

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF GEORGIA
3 Case 1:21-cv-02003-MHC-LTW
4

JEFFREY CORDTZ,

Plaintiff,

-vs-

DEPOSITION UPON ORAL
EXAMINATION OF:

LARRY JOHNSON, ESQ.

JOHNSON LEGAL OFFICES,
LLC; FCI LENDER
SERVICES, INC.; AND
LARRY W. JOHNSON,
Defendants.

11
12 T R A N S C R I P T of the
13 above-entitled matter as taken
14 stenographically by and before SERAFINA R.
15 ZINCKGRAF, CSR, RPR, License No. XI01637, a
16 Certified Court Reporter, Registered
17 Professional Reporter and Notary Public of
18 the State of New Jersey, taken virtually, on
19 Thursday, March 24, 2022, commencing at
20 12:07 p.m.
21
22

PRIORITY-ONE COURT REPORTING SERVICES, INC.
290 West Mt. Pleasant Avenue
Suite 2260
Livingston, New Jersey 07039
Job No. P1-5147340

<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S:</p> <p>2</p> <p>3 LAW OFFICE OF SHIMSHON WEXLER, PC</p> <p>4 2244 Henderson Mill Rd</p> <p>5 Suite 108</p> <p>6 Atlanta, Georgia 30345</p> <p>7 Attorney for the Plaintiff</p> <p>8 MCMICHAEL, TAYLOR & GRAY, LLC</p> <p>9 22 Century Blvd</p> <p>10 Suite 450</p> <p>11 Nashville, Tennessee 37214</p> <p>12 BY: MARK BAKER, ESQ.</p> <p>13 Attorney for the Defendant, FCI Lender</p> <p>14 Services, Inc.</p> <p>15</p> <p>16 JOHNSON LEGAL OFFICES, LLC</p> <p>17 138 Hammond Drive</p> <p>18 Suite B</p> <p>19 Atlanta, Georgia 30328</p> <p>20 BY: LARRY W. JOHNSON, ESQ.</p> <p>21 Attorney for Larry W. Johnson and Johnson</p> <p>22 Legal Offices, LLC</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 LARRY JOHNSON, ESQ., 138</p> <p>2 Hammond Drive, Suite B, Atlanta, Georgia,</p> <p>3 having been duly sworn according to law,</p> <p>4 testifies as follows:</p> <p>5</p> <p>6 DIRECT EXAMINATION BY MR. WEXLER:</p> <p>7</p> <p>8 Q. Good morning, Mr. Johnson --</p> <p>9 good afternoon, actually. When you're</p> <p>10 speaking for yourself today, you are</p> <p>11 speaking on behalf of Johnson Legal Offices,</p> <p>12 LLC, as well; is that correct?</p> <p>13 A. It appears on the question, but,</p> <p>14 generally speaking, I speak for myself, as</p> <p>15 well as for my law firm.</p> <p>16 Q. Okay. And your law firm</p> <p>17 consists solely of you; is that right?</p> <p>18 A. That's right. That's correct.</p> <p>19 Q. Okay. Now, can you tell me a</p> <p>20 little bit about Selwyn Johnson case as far</p> <p>21 as information regarding your fees</p> <p>22 obtained -- obtained for -- for work related</p> <p>23 to that case?</p> <p>24 A. Sure. That case was initially</p> <p>25 filed in magistrate court by another law</p>
<p style="text-align: right;">Page 3</p> <p>1 I N D E X</p> <p>2 WITNESS: DIRECT CROSS REDIRECT RECROSS</p> <p>3 LARRY JOHNSON</p> <p>4 By Mr. Wexler 4</p> <p>5</p> <p>6 E X H I B I T S</p> <p>7 (none)</p> <p>8</p> <p>9</p> <p>10 INFORMATION AND/OR DOCUMENTS REQUESTED</p> <p>11 (none)</p> <p>12</p> <p>13 QUESTIONS MARKED FOR RULINGS</p> <p>14 (none)</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 firm, and it was -- an Answer was filed with</p> <p>2 a counterclaim on behalf of the</p> <p>3 borrower/debtor, and he was represented by</p> <p>4 counsel, as well. They had a -- you know, a</p> <p>5 hearing or a trial in magistrate court</p> <p>6 in which a judgment was entered in favor of</p> <p>7 Mr. Johnson, Mr. Selwyn Johnson. That's</p> <p>8 S-e-l-w-y-n, and my client sent -- they were</p> <p>9 suing for around \$1,800 and he got a</p> <p>10 judgment on his counterclaim for about</p> <p>11 \$2,100.</p> <p>12 My client sent his check over to</p> <p>13 Mr. Johnson's counsel in that case. He</p> <p>14 rejected -- for the \$2,100, the amount of</p> <p>15 the judgment. They rejected that and filed</p> <p>16 an appeal to either state or superior court,</p> <p>17 I don't remember which one off the top of my</p> <p>18 head.</p> <p>19 After that point, Melissa</p> <p>20 Meggison, who was in-house counsel for that</p> <p>21 company and used to work with me, reached</p> <p>22 out to me to see if I would take over the</p> <p>23 litigation in that matter. They were hoping</p> <p>24 that it would be done with, but the party</p> <p>25 who won the case below filed an appeal.</p>

Johnson - direct

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<p>1 They thought they could to do better, and so</p> <p>2 they retained me to represent them in the</p> <p>3 appeal of that magistrate court ruling.</p> <p>4 Q. Okay. But how much in fees were</p> <p>5 you paid for that case?</p> <p>6 A. And I've got your Notice of</p> <p>7 Deposition with a list of issues you wanted</p> <p>8 to cover; I appreciate that because it</p> <p>9 allowed me to put some of that together.</p> <p>10 So in the Johnson matter from</p> <p>11 December 1st, 2018, forward, I was paid</p> <p>12 \$18,464.95.</p> <p>13 Q. Can you repeat that number;</p> <p>14 18,000 --</p> <p>15 A. Sure. \$18,464.95. That</p> <p>16 includes fees and costs.</p> <p>17 Q. Okay. And -- and what about</p> <p>18 from May -- May 1st, 2018 until</p> <p>19 December 1st, 2018?</p> <p>20 A. I -- I -- in November of 2018, I</p> <p>21 was paid an additional amount of \$5,256.49.</p> <p>22 Q. Okay.</p> <p>23 A. That's the total amount that was</p> <p>24 paid on that case.</p> <p>25 Q. Five thousand -- again, I'm --</p>	<p>1 up or not --</p> <p>2 Q. No, that wasn't your fault. I'm</p> <p>3 pouring -- I'm pouring a cup of coffee while</p> <p>4 you're talking. So --</p> <p>5 A. All right. It's my recollection</p> <p>6 that that was for unpaid medical bills.</p> <p>7 Q. Okay. So would you say that</p> <p>8 that's consumer debt collection?</p> <p>9 A. I don't know.</p> <p>10 Q. Unpaid medical bills, do you</p> <p>11 have any reason to believe that it's not</p> <p>12 consumer debt collection?</p> <p>13 A. I just hadn't done -- I hadn't</p> <p>14 looked at it, because I didn't really look</p> <p>15 at it from the standpoint of the consumer</p> <p>16 debt collection.</p> <p>17 Q. Do you have any reason to</p> <p>18 believe that that was not consumer debt</p> <p>19 collection?</p> <p>20 A. I'm -- I'm just not sure either</p> <p>21 way, because I don't -- I don't practice in</p> <p>22 that area generally speaking. I was</p> <p>23 retained mostly to handle the -- the</p> <p>24 counterclaim which they were concerned</p> <p>25 about.</p>
Page 7	Page 9
<p>1 I'm -- can you repeat that number?</p> <p>2 A. Sure. \$5,256.49.</p> <p>3 Q. Okay. So the total amount you</p> <p>4 were paid on that case is 5,256 plus 18,464?</p> <p>5 A. Yes. Plus the change.</p> <p>6 Q. Okay. And were you paid</p> <p>7 anything in addition to that?</p> <p>8 A. No.</p> <p>9 Q. Okay. Okay. And did you get a</p> <p>10 judgment against Selwyn Johnson?</p> <p>11 A. Yes. We got a judgment against</p> <p>12 him both on our underlying claim as well as</p> <p>13 on his counterclaim.</p> <p>14 Q. Okay. So how much -- what was</p> <p>15 the judgment that you got?</p> <p>16 A. I don't have the exact amount in</p> <p>17 front of me, but it was \$1,800 and some --</p> <p>18 between eighteen hundred and \$1,900, the</p> <p>19 debt, and I don't -- I don't know the exact</p> <p>20 number.</p> <p>21 Q. What did that number represent?</p> <p>22 A. It represented -- to my</p> <p>23 understanding, it represented medical bills.</p> <p>24 Q. I'm sorry?</p> <p>25 A. I don't know if I can turn this</p>	<p>1 Q. But when you got the -- that he</p> <p>2 owed the \$1,800 and change, that amount</p> <p>3 represented a debt that he owed to a</p> <p>4 medical -- for medical services. Correct?</p> <p>5 A. That's my understanding, yes.</p> <p>6 Q. Okay. Now, I went -- I'm going</p> <p>7 to represent to you that I went on the --</p> <p>8 some -- some type of court website to</p> <p>9 look -- to look up your name regarding the</p> <p>10 lawsuits that -- that you have -- that --</p> <p>11 that you've been involved in.</p> <p>12 Do you believe if I -- if I had</p> <p>13 done that prior to bringing this lawsuit,</p> <p>14 that that would be a proper investigation as</p> <p>15 to whether you are a debt collector or not?</p> <p>16 A. I think trying to determine</p> <p>17 whether or not I collected debt before suing</p> <p>18 me as being a debt collector would be</p> <p>19 something that would be part of a pretrial</p> <p>20 or a pre-complaint investigation, yes.</p> <p>21 Q. Okay. Right. That's not --</p> <p>22 that's not what I asked. What I was asking</p> <p>23 was do you think if I had done an</p> <p>24 investigation -- I had done an</p> <p>25 investigation -- that do you think that if I</p>

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Johnson - direct

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<p>1 had done an investigation by looking up the</p> <p>2 cases that you have been involved in, that</p> <p>3 would have been sufficient to determine</p> <p>4 whether you regularly collect debts?</p> <p>5 A. I don't know if it was</p> <p>6 sufficient just looking on a court website.</p> <p>7 You haven't told me which website or what</p> <p>8 that website covers. You haven't identified</p> <p>9 the particular website, but, certainly, I do</p> <p>10 think looking at cases that I had filed</p> <p>11 would be a part of determining whether or</p> <p>12 not I was a debt collector. If that's what</p> <p>13 you're basing my debt collection on? Yes.</p> <p>14 Q. So I got some -- I got some</p> <p>15 names of -- of cases, and I was just hoping</p> <p>16 that you could -- you could help me</p> <p>17 understand whether these are debt collection</p> <p>18 cases.</p> <p>19 A. Okay.</p> <p>20 Q. What's this one Giggey -vs-</p> <p>21 Johnson in Gwinnett State Court. It's</p> <p>22 classified as an auto tort.</p> <p>23 A. What's the first name?</p> <p>24 Q. Giggey, G-i-g-g-e-y.</p> <p>25 A. I don't recognize that.</p>	<p>1 property.</p> <p>2 Q. Okay. And what -- what does the</p> <p>3 case arise from? Why -- why did that person</p> <p>4 deserve to be evicted?</p> <p>5 A. I believe it's a</p> <p>6 post-foreclosure matter.</p> <p>7 Q. Okay. And who handled the</p> <p>8 foreclosure?</p> <p>9 A. I'm not -- I'm not sure. We --</p> <p>10 I could have handled it along with</p> <p>11 Jauregui & Lindsey. They could have handled</p> <p>12 it. I don't -- I don't remember that on the</p> <p>13 foreclosure side, but they could have --</p> <p>14 they could have done the foreclosure.</p> <p>15 Sometimes we do post-foreclosure</p> <p>16 evictions where we did not handle the</p> <p>17 foreclosure.</p> <p>18 Q. Okay.</p> <p>19 A. I just don't remember on that</p> <p>20 specific case.</p> <p>21 Q. Do you remember a Betty</p> <p>22 Blair?</p> <p>23 A. I remember that name.</p> <p>24 Q. Okay. Do you remember</p> <p>25 collecting any money from her?</p>
Page 11	Page 13
<p>1 Q. Okay. Gwinnett State Court.</p> <p>2 A. Was that Johnson a defendant in</p> <p>3 that case?</p> <p>4 Q. Yeah. Yes.</p> <p>5 A. And did you think I represented</p> <p>6 Giggey?</p> <p>7 Q. No. Maybe you represented</p> <p>8 Johnson.</p> <p>9 A. No. I don't recognize that --</p> <p>10 that case at all.</p> <p>11 Q. Okay. Okay. Understand. I</p> <p>12 mean, these court records aren't -- aren't</p> <p>13 perfect as far as identifying -- identifying</p> <p>14 you.</p> <p>15 A. Sure.</p> <p>16 Q. And I see something US Secretary</p> <p>17 of Housing and Urban Development -vs- Betty</p> <p>18 Blair, and that was -- that looks like a</p> <p>19 magistrate dispossession it's classified</p> <p>20 under. What -- what is that one about?</p> <p>21 A. It's an eviction. We're not</p> <p>22 seeking any rent --</p> <p>23 Q. I'm sorry?</p> <p>24 A. We're not seeking any rent;</p> <p>25 we're just seeking possession of the</p>	<p>1 A. I remember not collecting any</p> <p>2 money from her, if that makes sense.</p> <p>3 Q. Okay.</p> <p>4 A. We did not attempt to collect</p> <p>5 any debt or any money from her at all.</p> <p>6 Q. Okay. What, what -- so what</p> <p>7 happened? You -- you helped foreclose on</p> <p>8 her house?</p> <p>9 A. I don't recall if we did the</p> <p>10 foreclosure or not.</p> <p>11 Q. Okay. But you may have; is that</p> <p>12 right?</p> <p>13 A. Sure. I'm involved in</p> <p>14 non-judicial foreclosures.</p> <p>15 Q. Okay. So how does the -- how</p> <p>16 does the -- the none -- the none -- the</p> <p>17 non-judicial foreclosure work? Can you tell</p> <p>18 me a little bit about that as far as how</p> <p>19 does -- how does a -- how does a -- how does</p> <p>20 a -- a tenant stop the -- how does a tenant</p> <p>21 stop a foreclosure?</p> <p>22 A. Typically, it's a borrower, not</p> <p>23 a tenant.</p> <p>24 Q. Okay.</p> <p>25 A. There's several ways for a</p>

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Johnson - direct

<p style="text-align: right;">Page 14</p> <p>1 borrower to stop a foreclosure. They can 2 pay the debt that's due; that's one way to 3 stop a foreclosure. They could file 4 bankruptcy; that's another way that would 5 stop a foreclosure. Sometimes they can seek 6 an injunction to enjoin the foreclosure by 7 filing lawsuit to enjoin the foreclosure. 8 That's the three typical off 9 the top of my head that I could think about. 10 Q. Okay. 11 A. Have to do a loan modification 12 or they do a loan workout. So that would 13 stop a foreclosure, as well. 14 Q. Okay. And do you offer that? 15 Do you offer in a -- to the homeowners to -- 16 to-- to stop the foreclosure? 17 A. Typically, that's something 18 between the lender and the borrower. I 19 don't have any decision-making authority in 20 those matters. It's something for my client 21 to decide. 22 Q. I'm not asking about 23 decision-making authority. I'm asking if 24 you offer that to the people? 25 A. So I don't know what you mean by</p>	<p style="text-align: right;">Page 16</p> <p>1 letter that you send to -- to people -- 2 people that you're doing a foreclosure on 3 against? 4 A. I don't have that letter in 5 front of me. I don't have it memorized. I 6 don't know. 7 Q. Is it a typical letter; do you 8 know? 9 A. I don't have the letter in front 10 of me, I didn't memorize it. I'm not really 11 sure what that letter says. 12 Q. Okay. Do you sometimes send 13 specific letters to -- to people or they're 14 all -- it's all -- is it all a form letter, 15 like a letter provided to you by the client, 16 or do you sometimes send -- do you sometimes 17 send your own letters? 18 A. So every letter is different, 19 but we try to comply with both any state law 20 or federal laws that we believe apply in 21 providing notices to the borrower. 22 So in -- in most instances, 23 those notices are -- are similar for each 24 borrower, because it's based on either State 25 or Federal law, but there's also differences</p>
<p style="text-align: right;">Page 15</p> <p>1 offer it. What I will say is that under 2 Georgia law, I believe we have to provide a 3 name and contact information in the 4 foreclosure ad so that if the borrower wants 5 to seek that, they can reach out directly to 6 someone who has authority. That's not with 7 my firm, it's usually with the client 8 lender. 9 Q. Okay. For example, do you send 10 out letters telling them that -- that 11 they're able to stop the foreclosure in a 12 certain way? 13 A. It really depends on the client 14 ad. Some clients wants you to send things, 15 you know, with your foreclosure notices or 16 what have you, but I -- beyond that, I can't 17 really answer your question anymore beyond 18 that. 19 Q. Okay. So -- so in the O'Hai 20 case, I hope I'm pronouncing that correctly, 21 O-h- -- 22 A. I think it's pronounced O'Hai. 23 Q. Okay. O'Hai. There was a 24 letter that I found searching through Pacer, 25 and I wanted to know if that is a typical</p>	<p style="text-align: right;">Page 17</p> <p>1 in each letter. 2 So I would have to look at the 3 specific letter for sure. 4 Q. Okay. But you haven't produced 5 any letters; is that right? 6 A. I produced a lot of things in 7 this case. I believe I would have produced 8 letters relating to this case. The O'Hai is 9 a separate case that you're aware of, and 10 we've -- I actually mentioned that case in 11 court Pleadings. 12 So I don't know if I produced 13 anything from the O'Hai case. In this case, 14 I may have. I just don't remember. 15 Q. I'm saying debt collection 16 notices that you sent -- that you sent to -- 17 that you sent to borrowers. 18 I'm asking specifically if you 19 produced any debt collection notices that 20 you sent to borrowers in the past three 21 years prior to the filing of this complaint? 22 A. I don't believe I sent debt 23 collection notices. The cases I've gotten 24 involved in, I've got involved after they 25 were filed. If you're referring to</p>

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Johnson - direct

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<p>1 additional foreclosure notices that are 2 required by state and/or federal law, I 3 don't remember you requesting copies of 4 those. 5 And I produced what I produced. 6 I don't remember every page of what I 7 produced, but I believe I produced hundreds 8 of pages of documents to you. 9 Q. I'm asking specifically about 10 debt collection notices where you asked -- 11 where you asked the person either directly 12 or indirectly to pay -- to pay the -- to pay 13 the debt. 14 So, for example, I'm going to 15 represent to you that in the O'Hai letter, 16 you told them we're going to go through with 17 the foreclosure unless you pay this amount, 18 and this is an attempt to collect a debt; 19 you sent such a notice. 20 You didn't produce any of those 21 notices to me, even though you -- you've 22 sent numerous of those -- those notices. 23 A. I don't know if you're 24 testifying for me or not, but I don't recall 25 you asking me to produce those types of</p>	<p>1 letter. I don't believe that letter is 2 actually indicated to be from me. 3 Q. Okay. 4 MR. WEXLER: Court reporter, can 5 we take a five-minute break please. 6 (Recess occurred.) 7 MR. WEXLER: Back on the record. 8 Q. Okay. We're looking at this -- 9 at this letter from Jauregui and Lindsey to 10 O'Hai dated July 17th, 2019? 11 A. Right. 12 Q. Can you read the first sentence 13 of the letter, please? 14 A. Sure. "This law firm, along 15 with Johnson Legal Offices, LLC, represent 16 Park Tree Investments 20, LLC the creditor 17 on the above-referenced loan." 18 Q. Okay. The next sentence, 19 please? 20 A. Okay. "This letter is to advise 21 you that we have been retained to collect 22 the loans secured by the above-referenced 23 property, which may involve foreclosure 24 proceedings against said property." 25 Q. Okay. And your contention is</p>
Page 19	Page 21
<p>1 letters to you in this case. 2 Are you referring to a specific 3 request? I'm happy to look at it, but I've 4 gotten no letter from you or nothing from 5 you prior to you now asking me questions 6 about it saying that you did not believe 7 that I had produced anything in response to 8 your questions. 9 So I believe I've been fully 10 responsive to all of your requests. 11 Q. Okay. In your -- in your 12 discovery responses, you say that you -- I'm 13 sorry, it was maybe in your last 14 deposition -- you said you've sent letters 15 similar to the O'Hai letter on numerous 16 occasions; is that right? 17 A. I'm not sure that letter has my 18 name on it. 19 Q. Okay. It has -- it has -- it 20 has -- it has -- I think it's Jauregui on 21 the top, and it says this firm along with 22 Larry Johnson is collecting this debt, 23 something -- something along those lines. 24 A. I don't believe that's my 25 letter. I don't believe I signed that</p>	<p>1 that this letter is not an attempt to 2 collect a debt by you? 3 A. Well, it's not my letter. 4 Q. That wasn't the question, Mr. 5 Johnson. My question is whether this letter 6 is an attempt to collect a debt by you? 7 A. It's not, because it's not my 8 letter. 9 Q. Okay, it's not, because -- 10 A. It's not my letter. 11 Q. Okay. Did you authorize your 12 name to be used on this letter? 13 A. I don't recall. 14 Q. Okay. So you're not sure if 15 Jauregui just put your name -- just put your 16 name on the letter even though you 17 weren't -- you weren't collecting -- you 18 weren't collecting it? You're not sure? 19 A. Well, like I say, that's not my 20 letter. I think your question was is this 21 letter an attempt by me to collect a debt 22 and it's not, because it's not my letter. 23 Q. Is the letter an attempt to 24 collect a debt? 25 A. I do not believe so under the US</p>

6 (Pages 18 - 21)

Johnson - direct

Page 22	Page 24
<p>1 Supreme Court involving Obduskey. It's a 2 Supreme Court case, O-b-d-u-s-k-e-y, and 3 it's a foreclosure process or non-judicial 4 foreclosure process. 5 Q. Did you represent Park Tree 6 Investments 20, LLC? 7 A. I represented them in that 8 litigation. 9 Q. Okay. Were you retained to 10 collect the loan? 11 A. No. 12 Q. Okay. The letter says, and you 13 just read, that we have been retained to 14 collect the loan, but you still -- you still 15 contend that you were not retained to 16 collect the loan? 17 A. So that's not my letter. We can 18 talk about that again. So it's not me 19 saying that because it's not my letter. 20 Q. Okay. 21 A. However, there was a 22 non-judicial foreclosure that was referred. 23 It was -- it was discussed in the 24 litigation. We had a whole hearing about 25 whether or not the -- the client could move</p>	<p>1 there anything -- is there anything to 2 indicate that -- that what you're saying 3 is -- is correct? 4 A. Sure. We have an entire federal 5 lawsuit that's still pending between my 6 client and O'Hai. So the entire record in 7 that case, I think, is pretty evident. 8 There's no claim against 9 Mr. O'Hai for the debt in that case; and I 10 think if you look through the case, you will 11 see over and over again that that case is 12 not attempting to collect the debt. 13 Q. I'm not saying that that case is 14 an attempt to collect the debt. My question 15 is specifically whether you were retained to 16 collect the loan to O'Hai. 17 A. No. 18 Q. Okay. Do you have anything to 19 indicate that that's true other than you 20 saying today that it's not true? Is there 21 anything to indicate that what you're saying 22 is accurate? 23 A. The entire record in the federal 24 case. 25 Q. Is there anything in the record</p>
Page 23	Page 25
<p>1 forward with the non-judicial foreclosure, 2 and I do not believe non-judicial 3 foreclosures are the collection of debt 4 under the Obduskey case, which is a US 5 Supreme Court case. 6 Q. The question is whether you were 7 retained to collect the loan or not. 8 A. No, I wasn't. 9 Q. Okay. And though you 10 acknowledge that the letter actually says 11 this letter is to advise you that we have 12 been retained to collect the loan, you're 13 aware of that? 14 A. That's not my letter. 15 Q. Okay. Did you ever protest with 16 Jauregui & Lindsey to tell them that this is 17 not your letter? Did you ever tell them 18 that, not to include you on any future 19 letters? 20 A. Not that I recall. 21 Q. Okay. Is there any other 22 indication besides -- besides your statement 23 that you were not retained to collect the 24 loan which would indicate that you were not 25 actually retained to collect the loan; is</p>	<p>1 in the federal case which says that you are 2 not collecting -- you are not retained to 3 collect O'Hai's loan? 4 A. I don't recall. 5 Q. What indication do you have 6 other than you saying that you are not 7 retained to collect O'Hai's loan? Is there 8 other than what your -- other than you 9 saying that you are not retained to collect 10 the loan? 11 A. The entire record in the O'Hai 12 federal case is an indication that I was not 13 retained to collect the loan. 14 Q. Okay, but what -- which -- what 15 part of that -- of that case demonstrates 16 that you are not retained to collect that 17 loan? 18 A. Every Pleading that we filed, as 19 well as the transcript that was filed in the 20 case, because we actually had a hearing in 21 that matter. Everything in that case. 22 Q. So can you point to your best -- 23 your best evidence that you were not 24 retained to collect the debt -- to collect 25 O'Hai's debt? What's your best piece of --</p>

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Johnson - direct

<p style="text-align: right;">Page 26</p> <p>1 of -- of evidence?</p> <p>2 A. I don't know.</p> <p>3 Q. Do you believe that the entire</p> <p>4 O'Hai record demonstrates that you are not</p> <p>5 retained to collect O'Hai's debt?</p> <p>6 A. Correct.</p> <p>7 Q. Which part of the O'Hai record</p> <p>8 demonstrates that you were not retained to</p> <p>9 collect O'Hai's debt?</p> <p>10 A. The entire record.</p> <p>11 Q. Okay. Can you point -- can you</p> <p>12 explain to me how -- how the O'Hai record</p> <p>13 demonstrates that you were not retained to</p> <p>14 collect the debt? Was the O'Hai matter</p> <p>15 involving whether you were retained to</p> <p>16 collect the debt? Was that an issue of</p> <p>17 contention in the O'Hai case?</p> <p>18 A. Well, you know, I don't really</p> <p>19 understand your question. I represented the</p> <p>20 lender in that case, and representing a</p> <p>21 lender sometimes plaintiffs' lawyers, like</p> <p>22 yourself, will accuse other people of trying</p> <p>23 to collect a debt or the FDCPA. And so the</p> <p>24 entire record shows that I was not doing</p> <p>25 that in that matter.</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. So you were retained by Park</p> <p>2 Tree Investments 20, LLC to defend the</p> <p>3 federal lawsuit brought by O'Hai?</p> <p>4 A. Yes. That case is still</p> <p>5 ongoing, and I still represent them in that</p> <p>6 case.</p> <p>7 Q. You also represent FCI Lender</p> <p>8 Services in that case?</p> <p>9 A. That's correct.</p> <p>10 Q. As well as -- as well as</p> <p>11 Jauregui?</p> <p>12 A. Jauregui & Lindsey is how they</p> <p>13 pronounce it. I know it's a difficult name.</p> <p>14 Q. Okay.</p> <p>15 A. I think I also represent an</p> <p>16 individual named Dean in that case. I</p> <p>17 forget his last name.</p> <p>18 Q. Okay. The federal lawsuit</p> <p>19 appears to have been filed in May 2020.</p> <p>20 Does that sound right to you?</p> <p>21 A. I don't have it in front of me,</p> <p>22 but that sounds -- that sounds like it could</p> <p>23 be correct.</p> <p>24 Q. Okay. Now, this letter that --</p> <p>25 this letter, this July 17th, 2019 letter to</p>
<p style="text-align: right;">Page 27</p> <p>1 So you're asking me to prove a</p> <p>2 negative. If you got a document from me --</p> <p>3 that's a very extensive case. It takes up</p> <p>4 almost an entire file cabinet drawer in my</p> <p>5 office.</p> <p>6 So, you know, the entire case</p> <p>7 shows that I'm not doing it. So I don't</p> <p>8 really know how to answer your question</p> <p>9 beyond that.</p> <p>10 Q. But I'm asking a very specific</p> <p>11 question. I -- this letter seems to</p> <p>12 indicate that you were retained by Park Tree</p> <p>13 Investments 20, LLC to collect O'Hai's loan,</p> <p>14 and you're saying that that's not true, and</p> <p>15 I'm asking you what -- why is that not true?</p> <p>16 So you're saying the letter is not true?</p> <p>17 A. I didn't say that. I just said</p> <p>18 it's not my letter.</p> <p>19 Q. Okay. But is the letter -- were</p> <p>20 you retained to collect O'Hai's loan?</p> <p>21 A. No.</p> <p>22 Q. Okay. What were you retained by</p> <p>23 Park Tree Investments 20, LLC to do?</p> <p>24 A. To defend that federal lawsuit</p> <p>25 brought by Mr. O'Hai, the borrower.</p>	<p style="text-align: right;">Page 29</p> <p>1 O'Hai from Jauregui is dated July 17th,</p> <p>2 2019. That's about eight or nine months</p> <p>3 before he actually brought the lawsuit.</p> <p>4 So at that point, you were not</p> <p>5 representing Park Tree Investments 20, LLC?</p> <p>6 A. I don't remember the dates. I</p> <p>7 just don't have the dates in front of me.</p> <p>8 Q. Okay. I'm looking at this</p> <p>9 July 17th, 2019, letter, and it says that</p> <p>10 you -- you represent Park Tree Investments</p> <p>11 20, LLC.</p> <p>12 A. Well, it's not my letter. We</p> <p>13 talked about that letter a lot already. So</p> <p>14 I'm familiar with what letter you're talking</p> <p>15 about.</p> <p>16 Q. And what did you do for Park</p> <p>17 Tree Investments 20, LLC?</p> <p>18 A. I don't recall. What I do know</p> <p>19 is they hired me, and I defended them in</p> <p>20 that federal lawsuit.</p> <p>21 Q. What did you do -- what did you</p> <p>22 do for them prior to that?</p> <p>23 A. I don't remember the dates of</p> <p>24 those. I mean, there was a foreclosure sale</p> <p>25 that occurred with the federal court's</p>

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<p>1 permission after they -- the TRO was --</p> <p>2 after the plaintiff tried to seek a TRO from</p> <p>3 the judge and the judge denied it, and there</p> <p>4 was a foreclosure sale that occurred; but</p> <p>5 once again, it's my position that a</p> <p>6 non-judicial foreclosure sale is not the</p> <p>7 collection of a debt under the Obduskey</p> <p>8 case.</p> <p>9 Q. Okay. You didn't really answer</p> <p>10 my question. My question was: On</p> <p>11 July 17th, 2019, what were you doing for</p> <p>12 Park Tree Investments 20, LLC?</p> <p>13 A. I don't remember.</p> <p>14 Q. Were you representing them on</p> <p>15 July 17th, 2019?</p> <p>16 A. That was almost three years ago</p> <p>17 now, and I just don't remember the timing.</p> <p>18 Q. Do you have any reason to</p> <p>19 believe that you were not representing Park</p> <p>20 Tree Investments 20, LLC before you brought</p> <p>21 the -- before O'Hai brought the federal</p> <p>22 lawsuit?</p> <p>23 A. Could you -- could you ask that</p> <p>24 question again?</p> <p>25 Q. Sure. Do you have any reason to</p>	<p>1 on the auto date. So it actually includes a</p> <p>2 date that's a prior date. Sometimes by</p> <p>3 months, sometimes even the year is wrong.</p> <p>4 So based on me having seen that</p> <p>5 in the past and without me actually</p> <p>6 investigating, that wasn't one of the topics</p> <p>7 you listed you wanted to cover. Although,</p> <p>8 certainly I can, but I did not look at the</p> <p>9 O'Hai case or the O'Hai file in preparation</p> <p>10 of this deposition, and you didn't ask me to</p> <p>11 do that, and so I'm just going based on my</p> <p>12 recollection, and I don't really remember.</p> <p>13 I mean, it's several years ago. So I just</p> <p>14 don't remember the timing.</p> <p>15 Q. Do you have -- is there -- is</p> <p>16 there anything that leads you to believe</p> <p>17 that you -- you were not retained to collect</p> <p>18 O'Hai's loan by Park Tree Investments 20,</p> <p>19 LLC?</p> <p>20 A. I've never done anything to</p> <p>21 collect the loan on their behalf that I can</p> <p>22 recall on that case or any other case so...</p> <p>23 Q. So that's your only indication</p> <p>24 that you were not actually retained to</p> <p>25 collect the loan?</p>
Page 31	Page 33
<p>1 believe that you were not representing Park</p> <p>2 Tree Investments 20, LLC before O'Hai</p> <p>3 brought his federal lawsuit?</p> <p>4 A. I don't remember.</p> <p>5 Q. Do you have any reasons to</p> <p>6 believe that you were not representing Park</p> <p>7 Tree Investments 20, LLC before O'Hai</p> <p>8 brought his federal lawsuit?</p> <p>9 A. I don't know.</p> <p>10 Q. I asked you do you have any</p> <p>11 reason to believe. So it's a "yes" or "no"</p> <p>12 question. Do you -- do you -- do you think</p> <p>13 this letter is false, this July 17th, 2019</p> <p>14 letter is false that -- that you were --</p> <p>15 that you were retained to collect O'Hai's</p> <p>16 loan?</p> <p>17 A. I don't know. Sometimes dates</p> <p>18 on letters aren't accurate. I don't know if</p> <p>19 that one is or if it isn't so I just don't</p> <p>20 know.</p> <p>21 Q. What would be a reason why it on</p> <p>22 would -- why you would think that it might</p> <p>23 be false?</p> <p>24 A. I've seen letters sometimes when</p> <p>25 people generate them, and they forget to put</p>	<p>1 A. Yeah, the fact that I do not</p> <p>2 recall ever being retained by Park Tree</p> <p>3 Investments 20 to collect any loan, the loan</p> <p>4 involving O'Hai or any other loan.</p> <p>5 Q. All right. But you were</p> <p>6 retained by Jauregui to collect the Park</p> <p>7 Tree Investments 20, LLC loan; isn't that</p> <p>8 right?</p> <p>9 A. No.</p> <p>10 Q. Do you have any deal with</p> <p>11 Jauregui to collect the -- to collect the</p> <p>12 Park Tree Investments 20, LLC loan?</p> <p>13 A. So I'm not sure I understand the</p> <p>14 question. I provided you my "of counsel,"</p> <p>15 agreement with them.</p> <p>16 So when we do legal work, we</p> <p>17 have an agreement on how to handle that</p> <p>18 legal work, but Park Tree would be -- would</p> <p>19 be the client. They would have to hire us</p> <p>20 to do the work. So I'm not exactly sure I</p> <p>21 understand the question, and to the extent</p> <p>22 we have an agreement, we have that "Of</p> <p>23 Counsel" agreement that we produced to you</p> <p>24 that explains our agreement.</p> <p>25 Q. And is that "Of Counsel"</p>

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<p>1 agreement that you provided -- is that</p> <p>2 accurate?</p> <p>3 A. Is it accurate?</p> <p>4 Q. The one that I filed with -- the</p> <p>5 one that I filed -- the one that I filed in</p> <p>6 opposition to your Summary Judgment, and you</p> <p>7 made a Motion to strike saying that it</p> <p>8 wasn't -- it wasn't admissible.</p> <p>9 So I'm asking you if that -- if</p> <p>10 that actually is a true -- it's a true --</p> <p>11 it's -- it's the agreement that you have</p> <p>12 with them?</p> <p>13 A. So what I'll say, because I</p> <p>14 don't remember what was attached and if it</p> <p>15 had something -- if it had other markings on</p> <p>16 it that weren't the ones I produced, but the</p> <p>17 ones I produced to you I believe was an</p> <p>18 accurate copy of the agreement.</p> <p>19 Q. Okay. So -- so I think you said</p> <p>20 that you did review my deposition notice,</p> <p>21 and one of the topics on the deposition</p> <p>22 notice was whether certain -- whether</p> <p>23 certain exhibits were accurate, and I</p> <p>24 attached -- I attached -- I asked you the</p> <p>25 genuineness and authenticity of the</p>	<p>1 provided to me?</p> <p>2 A. I don't recall. Probably.</p> <p>3 Q. Okay. Did you have any talks</p> <p>4 with Jauregui before -- before that</p> <p>5 agreement was signed?</p> <p>6 A. Yes.</p> <p>7 Q. Did you negotiate that</p> <p>8 agreement?</p> <p>9 A. Yes, we discussed it.</p> <p>10 Q. Okay. Do you know if there's an</p> <p>11 actual signature from Jauregui somewhere?</p> <p>12 A. There is.</p> <p>13 Q. Okay. Do you know why you</p> <p>14 didn't produce that one to me?</p> <p>15 A. I wouldn't have had it in my</p> <p>16 file.</p> <p>17 Q. Okay. But it's the same one?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. It's the same one?</p> <p>20 A. Yes.</p> <p>21 Q. So that's an accurate -- that's</p> <p>22 an accurate one?</p> <p>23 A. Yes, except it's not the one</p> <p>24 with his actual signature on it.</p> <p>25 Q. And now can we look at 74-16.</p>
Page 35	Page 37
<p>1 documents represented by -- by -- by certain</p> <p>2 filings with the court, and you didn't look</p> <p>3 those over?</p> <p>4 A. I did.</p> <p>5 Q. Okay. So did you see an "Of</p> <p>6 Counsel" agreement in one of those?</p> <p>7 A. I don't remember. You want to</p> <p>8 direct me to it? I'll be happy to look in</p> <p>9 my file.</p> <p>10 Q. Sure.</p> <p>11 A. I mean that -- since you did</p> <p>12 list it on that notice, I do have it in</p> <p>13 front of me. Which one are you referring</p> <p>14 to?</p> <p>15 Q. Okay. 74-19?</p> <p>16 A. Okay. 7419.</p> <p>17 Q. Yeah.</p> <p>18 A. Okay. I'm there.</p> <p>19 Q. So is that an accurate -- is</p> <p>20 that an accurate "Of Counsel" agreement? Is</p> <p>21 that the one you had with them?</p> <p>22 A. It appears to be the case;</p> <p>23 although, this particular one is not signed</p> <p>24 by Jauregui & Lindsey.</p> <p>25 Q. Okay. Is that the one you</p>	<p>1 A. Okay.</p> <p>2 Q. Those are various checks that</p> <p>3 you received. Are those accurate?</p> <p>4 A. Let's see. It appears to be</p> <p>5 seven check copies or copies of seven</p> <p>6 checks. They appear to be accurate to me.</p> <p>7 Q. Okay. Have you gotten more</p> <p>8 checks since the last one?</p> <p>9 A. I'm sure that I have.</p> <p>10 Q. Okay. Have you produced those</p> <p>11 to me?</p> <p>12 A. I don't recall.</p> <p>13 Q. Okay. I'm going to represent</p> <p>14 that you have not produced -- you have not</p> <p>15 produced them to me.</p> <p>16 Can you make a commitment to</p> <p>17 produce them to me, let's say, by the end of</p> <p>18 this week? I guess it's -- is it Thursday?</p> <p>19 Yeah, it's Thursday.</p> <p>20 A. I'll get them to you. I should</p> <p>21 be able to get them to you before I leave</p> <p>22 tomorrow. I have a couple of deadlines I'm</p> <p>23 working on so it might be the first of next</p> <p>24 week.</p> <p>25 Q. Okay. Are you being paid to</p>

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<p>1 defend this federal lawsuit against --</p> <p>2 against you and your law firm? Is anybody</p> <p>3 paying you to defend the lawsuit?</p> <p>4 A. Are you talking about the one</p> <p>5 that you brought?</p> <p>6 Q. Yes.</p> <p>7 A. I'm not being paid, no.</p> <p>8 Q. Okay. So we're on -- back to</p> <p>9 here. We have Betty Blair, and then we have</p> <p>10 Yates -vs- Lunsford?</p> <p>11 A. Uh-huh.</p> <p>12 Q. What's that one about?</p> <p>13 A. I represent the defendant. The</p> <p>14 plaintiff was a prior tenant of his who is</p> <p>15 basically suing him for, like, mold.</p> <p>16 Q. Okay. And do you -- do you have</p> <p>17 an approximate amount that you were paid for</p> <p>18 that case?</p> <p>19 A. No.</p> <p>20 Q. Okay. Do you have an</p> <p>21 approximate amount you were paid for the</p> <p>22 Betty Blair case?</p> <p>23 A. No, I don't -- I think that case</p> <p>24 is still ongoing, and, typically, there's no</p> <p>25 payment made until the case is over, I</p>	<p>1 of the family, I assisted her in that</p> <p>2 matter.</p> <p>3 Q. And how much did you get paid</p> <p>4 for that one?</p> <p>5 A. Nothing.</p> <p>6 Q. Secretary of Housing and Urban</p> <p>7 Development -vs-, I hope I'm pronouncing</p> <p>8 this correctly, Virgilia Perryman [ph]?</p> <p>9 A. Yes, I'm familiar with that.</p> <p>10 Q. Okay. What's that one about?</p> <p>11 A. That's a post-foreclosure</p> <p>12 eviction.</p> <p>13 Q. Okay. What was your involvement</p> <p>14 in that case?</p> <p>15 A. I represented HUD, I just call</p> <p>16 them HUD as a short, as the owner and</p> <p>17 seeking possession of the property.</p> <p>18 Q. Okay.</p> <p>19 A. Seeking --</p> <p>20 Q. I'm sorry?</p> <p>21 A. Seeking only possession of the</p> <p>22 property.</p> <p>23 Q. Okay. Did you -- did you</p> <p>24 represent them on the foreclosure?</p> <p>25 A. I don't recall.</p>
Page 39	Page 41
<p>1 believe.</p> <p>2 Q. Smith -vs- Fidelity Brokerage</p> <p>3 Services Delaware?</p> <p>4 A. Yes.</p> <p>5 Q. What's that one about?</p> <p>6 A. That was my brother's widow.</p> <p>7 Her name is Pam Smith, and she had a prior</p> <p>8 husband who had who had a brokerage -- with</p> <p>9 Fidelity, and she was listed as -- as the</p> <p>10 sole beneficiary, but they refused to pay</p> <p>11 her. So that was a lawsuit against Fidelity</p> <p>12 for them to pay her.</p> <p>13 Q. Okay. How much were you paid</p> <p>14 after that one?</p> <p>15 A. You know, I don't remember if I</p> <p>16 was paid anything, to be honest. It was my</p> <p>17 brother's widow, and I was trying to help</p> <p>18 her. I don't recall being paid any fee on</p> <p>19 that one.</p> <p>20 Q. State -vs- Kristin Callahan?</p> <p>21 A. Sure. That was a friend of the</p> <p>22 family who was charged with a DUI. I don't</p> <p>23 generally do criminal defense work.</p> <p>24 Q. Okay.</p> <p>25 A. But because she was a friend</p>	<p>1 Q. Okay. And how much were you</p> <p>2 paid for that one?</p> <p>3 A. It's still pending.</p> <p>4 Q. So you weren't paid?</p> <p>5 A. To my knowledge, there's been no</p> <p>6 payment made. Right.</p> <p>7 Q. Okay. So HUD -vs- Marion</p> <p>8 Wilhoyt [ph], does that --</p> <p>9 A. That rings a bell.</p> <p>10 Q. Okay. What's that one about?</p> <p>11 A. That would be a post-foreclosure</p> <p>12 eviction.</p> <p>13 Q. Okay. And have you been paid on</p> <p>14 that one?</p> <p>15 A. I don't -- I just don't know.</p> <p>16 Q. Okay. And did you represent HUD</p> <p>17 on the foreclosure?</p> <p>18 A. I don't recall representing HUD</p> <p>19 on the foreclosure.</p> <p>20 Q. Would it have been HUD who did</p> <p>21 the foreclosure or is it a different entity?</p> <p>22 A. You know, that's a great</p> <p>23 question. It could have been a different</p> <p>24 entity, because they typically will transfer</p> <p>25 the HUD after the foreclosure. Most of</p>

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<p>1 those cases, we do not do the foreclosure, 2 but we do the eviction in most of the cases. 3 Q. Okay. How much are you paid on 4 that for doing an eviction, or is it an 5 hourly rate or it's by -- 6 A. I believe it's like a flat fee, 7 and I don't remember what that number is. 8 Q. Okay. Regardless of how long 9 the case lasts? 10 A. Typically, that's true; 11 although, sometimes you can ask for more 12 money if it becomes fairly contentious, but 13 most of the time they're not. So, again, 14 you can get more than a flat fee in some 15 instances. I don't recall ever getting more 16 than a flat fee in a HUD case. 17 Q. And then we have US Bank Trust 18 -vs- Ricky Blant. Do you remember that one? 19 A. That sounds familiar. I don't 20 recall what that case is about. 21 Q. It has it under the category of 22 dispossessory, possession only. 23 A. That's right. 24 Q. Okay. So that would be -- what 25 is it?</p>	<p>1 A. That's a pose foreclosure 2 eviction where there was no money judgment 3 sought. 4 Q. And is that one over with? 5 A. It is. 6 Q. Okay. Do you know how much you 7 got paid? 8 A. I don't. 9 Q. And how do you get an expertise 10 in this post-foreclosures evictions? 11 A. Experience. 12 Q. HUD -vs- Velma White. What's 13 that one about? 14 A. You know, that one doesn't sound 15 familiar, that name. I mean, it's -- it 16 could be one that I handled. I just don't 17 recall the name. 18 Q. Okay. And then Guild Mortgage 19 -vs- Larry Johnson? 20 A. Uh-huh. 21 Q. What's that one about? It's 22 under injunction. 23 A. Yeah, it's -- it's -- it's -- I 24 don't remember them suing me. I think it 25 was me suing them.</p>
Page 43	Page 45
<p>1 A. That would be a pose foreclosure 2 eviction where he sought possession only and 3 no -- no money for rent or -- we didn't seek 4 any money for judgment against them. 5 Q. Okay. Is that one over? 6 A. You know, I do recall the name 7 and I do believe it's finished. 8 Q. Okay. And that's in Spalding, 9 and did you represent them on the 10 foreclosure? 11 A. I just don't recall. We get -- 12 we get some eviction referrals. We don't do 13 the -- we do the foreclosures. I just don't 14 recall if we represented them in a 15 foreclosure or not. 16 Q. I may have said this one before, 17 Virgilia Perryman? 18 A. Yeah, you did mention that one 19 before; it's still pending. 20 Q. That's HUD. Okay. And then US 21 -vs- Ricky Bland. US Bank Trust -vs- 22 Cassandra Dustin, does that one -- 23 A. Yes, that rings a bell. 24 Q. Okay. What's that one? What's 25 that one about?</p>	<p>1 Q. Okay. 2 A. And it related to -- it related 3 to legal fees. 4 Q. Okay. Legal fees for what? 5 A. For doing legal work. 6 Q. What type of legal work? 7 A. I don't recall the exact cases 8 that were handled. I just don't remember. 9 They're not a big client. I don't -- I 10 don't remember. 11 Q. Are they still a client? 12 A. I don't do any work for them, 13 but I mean I haven't officially been like 14 terminated as an attorney, but just don't do 15 any work for them. 16 Q. Okay. So you were involved in 17 this. What type of work did you do for them 18 in the past? 19 A. Probably would have been 20 non-judicial foreclosures, maybe some 21 evictions. It's typically what we do for 22 the mortgage companies. 23 Q. Teresa Halt -vs- Tamika Davis? 24 A. That is a case where I represent 25 a purchaser in a foreclosure sale, and there</p>

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Johnson - direct

<p style="text-align: right;">Page 46</p> <p>1 was a lawsuit filed basically by the</p> <p>2 daughter of the borrower against a financial</p> <p>3 advisor for her mom who I believe her mom</p> <p>4 was deceased, and that's still an ongoing</p> <p>5 case, and I'm still technically representing</p> <p>6 my client in that case, but it was tendered</p> <p>7 to some title insurance companies who have</p> <p>8 taken over the handling of that case. So</p> <p>9 that's my overall recollection in that case.</p> <p>10 Q. How much were you paid on that</p> <p>11 case?</p> <p>12 A. I don't know.</p> <p>13 Q. Okay. But you were paid?</p> <p>14 A. I was paid some amount, yes.</p> <p>15 Q. Okay. KG USA, Inc. -vs- Kim?</p> <p>16 A. So I believe it's Mr. Kim and</p> <p>17 his wife and they were either employees or</p> <p>18 officers or executives with KG USA. So my</p> <p>19 recollection is that they have some --</p> <p>20 absconded with some money and something like</p> <p>21 that, and they were trying to -- to address</p> <p>22 that. It had to do with some cranes. I</p> <p>23 believe there were cranes in Mexico that</p> <p>24 were part of the KG USA Company. It's a</p> <p>25 Korean company.</p>	<p style="text-align: right;">Page 48</p> <p>1 in Henry County that I handled. The</p> <p>2 specific one off the top of my head was by a</p> <p>3 church called Turning Point Church. They</p> <p>4 hired my client to -- not really renovate,</p> <p>5 but add another building and attach it;</p> <p>6 renovate the whole part and also build a new</p> <p>7 part.</p> <p>8 They had a dispute about a</p> <p>9 construction relating to the church, and I</p> <p>10 defended the -- the construction company.</p> <p>11 Q. Okay.</p> <p>12 A. And we resolved that, and he's</p> <p>13 actually retained me, and I sued a couple of</p> <p>14 his subcontractors based on some of the</p> <p>15 allegations that were made in the underlying</p> <p>16 case.</p> <p>17 He sued some of the</p> <p>18 subcontractors under theories of, like,</p> <p>19 negligent construction, and things like</p> <p>20 that.</p> <p>21 Q. So how much were you paid for</p> <p>22 that case?</p> <p>23 A. I don't recall. That's still</p> <p>24 ongoing. That's a still ongoing matter.</p> <p>25 Yeah, that's -- yeah, still ongoing.</p>
<p style="text-align: right;">Page 47</p> <p>1 Q. Okay. USA -- US Bank Trust -vs-</p> <p>2 Tracy Gray and William Gray?</p> <p>3 A. I mean I don't remember that.</p> <p>4 It's like a White case; now we have a Gray</p> <p>5 case. It's just names I don't recall. If I</p> <p>6 was involved, it was probably a non-judicial</p> <p>7 foreclosure eviction after a non-judicial</p> <p>8 foreclosure where we did not seek rent, but</p> <p>9 I don't have a recollection specifically of</p> <p>10 that name.</p> <p>11 Q. Okay. These are the lawsuits</p> <p>12 that I was able to find in the past -- in</p> <p>13 the past three or so years. Am I missing</p> <p>14 any?</p> <p>15 A. Maybe.</p> <p>16 Q. Do you know -- do you know which</p> <p>17 ones?</p> <p>18 A. I don't have a list, but in the</p> <p>19 past three years, I would be surprised if I</p> <p>20 didn't have more. I don't know -- what</p> <p>21 system did you look at? Was that the</p> <p>22 Odyssey system?</p> <p>23 Q. The Odyssey system, yes.</p> <p>24 A. So there's some matters on Peach</p> <p>25 Court as, you know, and there's some matters</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. So a few cases in Henry County,</p> <p>2 and you can't name any other one other than</p> <p>3 the Turning Point Church; is that right?</p> <p>4 A. The Turning Point Church, plus</p> <p>5 he sued one of the other subcontractors. It</p> <p>6 was called Queen Capital. It was, I</p> <p>7 believe, like a plumbing -- I'm sorry -- it</p> <p>8 was an electrician, but we made a demand but</p> <p>9 haven't sued another guy who did some of the</p> <p>10 walls. So we haven't sued him yet, and I</p> <p>11 have some personal injury matters that you</p> <p>12 didn't mention that I've -- that I'm</p> <p>13 involved in. One of those is in Clayton</p> <p>14 County, so I'm surprised you didn't see that</p> <p>15 one.</p> <p>16 Q. Okay.</p> <p>17 A. Kristin Harden and her -- she</p> <p>18 has a four-year old daughter and they were</p> <p>19 involved in a car wreck, and that's all I</p> <p>20 can think of off the top of my head.</p> <p>21 Q. Okay. Of all the litigation</p> <p>22 relating to that Turning Point Church case,</p> <p>23 would you say you were paid over \$100,000 in</p> <p>24 legal fees on that one?</p> <p>25 A. No.</p>

13 (Pages 46 - 49)

Johnson - direct

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<p>1 Q. Fifty thousand?</p> <p>2 A. No.</p> <p>3 Q. Is a fair estimate 20,000?</p> <p>4 A. It could have been in that -- in</p> <p>5 that -- it wasn't 50; it was less than 50.</p> <p>6 It could have been around in the 20,000</p> <p>7 range for that.</p> <p>8 Q. Okay. So we have personal</p> <p>9 injury in Clayton, the car wreck. That's</p> <p>10 ongoing?</p> <p>11 A. Yes.</p> <p>12 Q. And I assume that's a</p> <p>13 contingency case?</p> <p>14 A. Yes.</p> <p>15 Q. Are you the defendant or --</p> <p>16 A. Plaintiff.</p> <p>17 Q. Okay. Okay. Any other -- any</p> <p>18 other cases?</p> <p>19 A. Well, you know, I was involved</p> <p>20 in a case personally against my prior</p> <p>21 employer who was RCO Legal. So I had an</p> <p>22 arbitration against them under my employment</p> <p>23 agreement. That was in Seattle.</p> <p>24 Q. Right.</p> <p>25 A. And we wound up getting an</p>	<p>1 from that case?</p> <p>2 A. From that case?</p> <p>3 Q. Yeah, from the judgment in</p> <p>4 federal court that you had against Wells</p> <p>5 Fargo?</p> <p>6 A. So, yeah, that was -- I believe</p> <p>7 the arbitration award in that case was over</p> <p>8 800,000, yes.</p> <p>9 Q. Okay.</p> <p>10 A. You know, I'm trying to remember</p> <p>11 exactly what I got, because -- because it</p> <p>12 was a lot of stuff going on then.</p> <p>13 Q. Okay.</p> <p>14 A. You know, so, yeah, it was an</p> <p>15 award, and I got a good bit of it.</p> <p>16 Q. And what was the award for?</p> <p>17 A. It was for wrongful -- for</p> <p>18 violating the terms of my employment</p> <p>19 agreement.</p> <p>20 Q. Oh, wow. Okay. There wasn't</p> <p>21 any debt collection fees. Correct?</p> <p>22 A. No.</p> <p>23 Q. Okay. Any other -- any other</p> <p>24 cases that you could think of?</p> <p>25 A. Yeah, you didn't -- you</p>
Page 51	Page 53
<p>1 arbitration award that we then had to file</p> <p>2 something in federal court, they had that</p> <p>3 award and a judgment --</p> <p>4 Q. Right.</p> <p>5 A. That was something I also sued</p> <p>6 them for slander in DeKalb County, and that</p> <p>7 was -- that was -- that has been resolved.</p> <p>8 Q. Okay.</p> <p>9 A. You asked me for the last three</p> <p>10 years. So I'm just trying to answer --</p> <p>11 Q. Okay.</p> <p>12 A. I'm surprised you didn't see</p> <p>13 that one, too --</p> <p>14 Q. No, that one -- that one I</p> <p>15 actually -- I actually saw. I didn't -- I</p> <p>16 didn't -- I didn't classify you as counsel.</p> <p>17 That was -- that was -- okay?</p> <p>18 A. I was counsel in that one, and I</p> <p>19 initially brought that lawsuit. I actually</p> <p>20 was counsel for the first year or so.</p> <p>21 Q. Okay.</p> <p>22 A. And then brought in co-counsel.</p> <p>23 But I was definitely counsel and I remained</p> <p>24 counsel in that case.</p> <p>25 Q. Okay. You got over \$800,000</p>	<p>1 didn't -- I mean you didn't mention the case</p> <p>2 that's going on with the case --</p> <p>3 Q. Cordtz? Okay. Okay.</p> <p>4 A. They sued my client. I got</p> <p>5 involved in it later in the case to defend</p> <p>6 the case and then ultimately we did file a</p> <p>7 counterclaim in that case. You didn't</p> <p>8 mention the other slander case that I filed</p> <p>9 against you guys.</p> <p>10 Q. Right.</p> <p>11 A. So that's another case that is</p> <p>12 pending.</p> <p>13 Q. But you haven't been paid any</p> <p>14 legal fees on that one?</p> <p>15 A. No.</p> <p>16 Q. Okay.</p> <p>17 A. That's all I can think of right</p> <p>18 now. I mean I'm trying to answer fully, but</p> <p>19 that's all I can think of right now.</p> <p>20 Q. Okay. Do you remember any cases</p> <p>21 that you worked on this week, this week with</p> <p>22 your law firm that were not one of the --</p> <p>23 one of these -- one of these cases listed</p> <p>24 that we went over that we mentioned?</p> <p>25 A. Let's see. So the personal</p>

14 (Pages 50 - 53)

Johnson - direct

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<p>1 injury cases, I've done some work this week. 2 I also have another case that you didn't 3 mention was -- was the 575 Boulevard case, 4 and that is actually -- there's been a Writ 5 of Certiorari by the other -- or an 6 application for a Writ of Certiorari in the 7 Georgia Supreme Court. 8 Q. Okay. 9 A. I've talked to my client some on 10 that this week. I've worked on that -- 11 Q. What's that case about? 12 A. My client owns a church that was 13 converted into offices. 14 Q. Okay. 15 A. This particular tenant rented 16 the auditorium space part of the church, and 17 he's been trying to get him out of that 18 space for a couple of years now. 19 Q. Wow. Okay. 20 A. So he initially filed pro se and 21 won at the magistrate court level. The 22 other side appealed to the Fulton Superior 23 Court. So since it's a company, he had to 24 hire an attorney. We actually had a one-day 25 trial in that case which we won. The other</p>	<p>1 Q. Your gross legal fees in the 2 year 2021 that you received, were they 3 \$75,000? 4 A. No. 5 Q. How much, were they? 6 A. So I looked -- because this is 7 one of the topics you wanted to cover, and I 8 looked -- actually the last 18 months is the 9 way I did it. So it would be this week, go 10 back 18 months, and I show that I had a 11 \$1,040,819.30, and that was over an 18-month 12 period. 13 Q. Okay. And does that include 14 the -- the -- the western -- the Washington 15 RCO -- the RCO award, the million 40? 16 A. It doesn't include the award, 17 but there were fees that were -- that were 18 actually included in that award. 19 Q. Okay. It doesn't include. So I 20 don't see how, you know, the cases we went 21 over, I don't see -- could you tell me a 22 little bit about that composition of the 23 million dollars over the last 18 months? 24 A. Yeah. It was mostly for 25 litigation. I have some contingency fee</p>
Page 55	Page 57
<p>1 side directly appealed it, and we filed a 2 Motion to dismiss because it had already 3 been appealed once. They didn't do it 4 correctly. The Court of Appeals dismissed 5 it and they have now filed for an 6 application for a Writ of Certiorari with 7 the Georgia Supreme Court to try to squeeze 8 some more time-out of -- you know, out of 9 their possession of this property. 10 Q. Okay. 11 A. There's been a couple of things 12 filed this week in the O'Hai case that I had 13 to look at. 14 Q. How much were you -- have you 15 been paid in the O'Hai case, would you say? 16 A. Yes. 17 Q. How much? 18 A. I don't -- you know, that case 19 has been around awhile. I don't really know 20 how much. 21 Q. Okay. Okay. So would you say 22 for the entire year of 2000 -- 2021, your 23 gross -- your gross legal fees were about 24 \$75,000; is that fair? 25 A. Sorry?</p>	<p>1 cases that have done well, and then I have 2 hourly cases that, obviously, I do, as well. 3 So it's -- it's mostly for litigation fees. 4 Q. Which litigation? 5 A. So defending clients like I 6 mentioned, you know, in all the cases where 7 I'm defending the clients. 8 Q. Which -- which specific case? 9 Can you talk about which specific case would 10 you say you earned the most fees in the last 11 18 months? What's the biggest number of 12 that? 13 A. I don't know, because I have, 14 you know, I have many cases that I handled 15 over the last 18 months, and so I -- 16 certainly, some of the cases involving, for 17 instance, O'Hai is a case that I've been 18 paid, you know, well on. I don't know how 19 much because I didn't look at this, you 20 know, as far as related to all the other 21 specific cases where I've been paid, but 22 that one has been one. 23 The one involving the church was 24 a decent one. 25 Some of the personal injury</p>

15 (Pages 54 - 57)

Johnson - direct

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<p>1 cases that I've gotten, you know --</p> <p>2 Q. Could you -- could you talk</p> <p>3 about specifics? So O'Hai, 250,000, you got</p> <p>4 from O'Hai? Is that fair to say?</p> <p>5 A. I don't know how much I've</p> <p>6 gotten from O'Hai.</p> <p>7 Q. Okay. So we've done -- I don't</p> <p>8 know. We have -- I think you mentioned</p> <p>9 three or four cases that you actually got</p> <p>10 paid on in the last 18 months, and I'm just</p> <p>11 trying to figure out how that adds up to a</p> <p>12 million dollars, because I want to find out,</p> <p>13 you know, I really -- the real question is</p> <p>14 debt collection; how much of your practice</p> <p>15 does it make up, and, you know, compared to</p> <p>16 the rest of your practice, and I'm trying to</p> <p>17 find some context here to see what debt</p> <p>18 collection is -- how much of that million</p> <p>19 dollars is not debt collection because you</p> <p>20 haven't told me -- you haven't told me</p> <p>21 anything other than you earned -- from the</p> <p>22 relationship with Jauregui, what was it</p> <p>23 40,000, and from Home Mortgage, over a</p> <p>24 hundred thousand.</p> <p>25 So I'm just trying to find out</p>	<p>1 I've tried to explain to you cases that were</p> <p>2 active.</p> <p>3 So you talked about the last</p> <p>4 three years. Those are not all of the cases</p> <p>5 that I handled in the last three years. I</p> <p>6 also had a five-year, you know, analysis in</p> <p>7 this case, because I'm not really sure what</p> <p>8 time frame that is, but certainly in the</p> <p>9 last five years, I've handled hundreds of</p> <p>10 cases --</p> <p>11 Q. We're talking -- so 18 months,</p> <p>12 you have a million -- you have a million</p> <p>13 dollars.</p> <p>14 A. Uh-huh.</p> <p>15 Q. Where -- where is that -- which</p> <p>16 case is that? Which cases is that from? Do</p> <p>17 you not know?</p> <p>18 A. I don't know specifically off</p> <p>19 the top of my head, because I've handled a</p> <p>20 lot of different cases that make up that</p> <p>21 number.</p> <p>22 Q. Okay. Did we miss any -- were</p> <p>23 any of the cases that we mentioned --</p> <p>24 scratch that.</p> <p>25 Are there any other cases that</p>
Page 59	Page 61
<p>1 what the other \$850,000 is. You know, part</p> <p>2 of that 18 months, it probably doesn't even</p> <p>3 include that. So I'm just trying to figure</p> <p>4 out is it ten percent, is it 50 percent? Is</p> <p>5 it 75 percent? You contend it's two</p> <p>6 percent. So I'm just trying to figure this</p> <p>7 out. So I'm asking you for help.</p> <p>8 A. Sure. So I didn't -- I didn't</p> <p>9 go and get that number by looking at the</p> <p>10 cases and where they came from.</p> <p>11 What I did was I bank with Wells</p> <p>12 Fargo bank, and I went and looked at all of</p> <p>13 the deposits and I came up with that number.</p> <p>14 So I can't tell you where --</p> <p>15 exactly where it all came from, because I</p> <p>16 handle hundreds of cases and some generate</p> <p>17 more than others, but, you know, --</p> <p>18 Q. Wait. You handle hundreds of</p> <p>19 cases? I thought we just went through all</p> <p>20 of them that you've handled --</p> <p>21 A. No --</p> <p>22 Q. That was about ten.</p> <p>23 A. No, what you did is you asked me</p> <p>24 questions about the cases that were active I</p> <p>25 believe is the way you described it, and</p>	<p>1 you could name that caused you to reach this</p> <p>2 million and 40,000 over 18 months other than</p> <p>3 the ones we -- we went through?</p> <p>4 A. That's all I recall right now</p> <p>5 sitting here today. A lot of them you asked</p> <p>6 me what I made and I said I just didn't</p> <p>7 know. So, you know, for you to say it's</p> <p>8 only been 75,000 or whatever is not</p> <p>9 accurate.</p> <p>10 I just don't know how much I</p> <p>11 made on any specific cases or particular</p> <p>12 cases, and the way I got that number is I</p> <p>13 went to the bank. So I only went back to</p> <p>14 18 months. You got to pay them a bunch of</p> <p>15 money to go beyond 18 months.</p> <p>16 So in preparing for this</p> <p>17 deposition, I went and looked and that's the</p> <p>18 number that indicated being deposited</p> <p>19 relating to fees. That's where I came up</p> <p>20 with a number. I didn't do a whole</p> <p>21 breakdown of analysis of it.</p> <p>22 Q. Okay. But you don't know where</p> <p>23 those fees came from?</p> <p>24 A. My legal work.</p> <p>25 Q. Which? For what -- is some of</p>

16 (Pages 58 - 61)

Johnson - direct

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<p>1 that for debt collection?</p> <p>2 A. No. The only two matters that I</p> <p>3 identified is the Cordtz matter, and I've</p> <p>4 given you those checks, and I'll give you</p> <p>5 the rest of the checks today or tomorrow,</p> <p>6 hopefully, and the Johnson case which I</p> <p>7 already gave you the number.</p> <p>8 Those are the only two that I</p> <p>9 was hired for. Well, in the Cordtz case,</p> <p>10 there was no claim -- there was no debt</p> <p>11 collection a case claimed when I was brought</p> <p>12 on and entered an appearance in that case</p> <p>13 and the other case, the Johnson case.</p> <p>14 Those are the only two instances</p> <p>15 that I'm aware that could be argued that</p> <p>16 there was a debt collection aspect, a</p> <p>17 consumer debt --</p> <p>18 Q. So you -- your contention is</p> <p>19 that non-judicial foreclosure cannot be --</p> <p>20 is not debt collection? I don't have a fair</p> <p>21 contention? So you're ignoring any -- any</p> <p>22 income you've earned from non-judicial</p> <p>23 foreclosure? You're not including that in</p> <p>24 -- how much income from non-judicial</p> <p>25 foreclosure in the past 18 months would you</p>	<p>1 A. No, I've told you -- I've told</p> <p>2 you about them. For instance, we talked</p> <p>3 about O'Hai. So I'm not really sure what</p> <p>4 you're talking about.</p> <p>5 We do non-judicial foreclosures.</p> <p>6 I do not believe that it's consumer debt</p> <p>7 collection under the Obduskey case. I know</p> <p>8 there's cases in Georgia that have already</p> <p>9 come to that conclusion, as well. So --</p> <p>10 Q. I'm not asking you whether you</p> <p>11 believe it's debt collection or not. I'm</p> <p>12 asking you about the extent of non-judicial</p> <p>13 foreclosure activities that you engage in.</p> <p>14 A. Very little.</p> <p>15 Q. Okay. Do you think the State</p> <p>16 Home Mortgage that you earned -- the</p> <p>17 Declaration showed over \$100,000. Is that</p> <p>18 very little to you? Is that considered very</p> <p>19 little?</p> <p>20 A. I don't know what time frame it</p> <p>21 was. Was it over a three-year process, do</p> <p>22 you remember?</p> <p>23 Q. Yeah, three years back from</p> <p>24 December 1st.</p> <p>25 A. Yeah, so it would be like 30,000</p>
Page 63	Page 65
<p>1 say you have?</p> <p>2 A. I don't know. Not a lot. But I</p> <p>3 don't know the exact number.</p> <p>4 Q. Okay. But you said it was less</p> <p>5 than two percent? You said -- do you</p> <p>6 believe that that is debt collection when you</p> <p>7 engage in non-judicial foreclosure?</p> <p>8 A. You know, I've said it several</p> <p>9 times, but I'm happy to say it again. In</p> <p>10 reading the Obduskey US Supreme Court case,</p> <p>11 I do not believe that's part of consumer</p> <p>12 debt collection under the decision in that</p> <p>13 case, and it's been followed at least twice</p> <p>14 that I'm aware of in Georgia and to the same</p> <p>15 conclusion.</p> <p>16 Q. Do you believe that I believe</p> <p>17 that non-judicial foreclosure is debt</p> <p>18 collection?</p> <p>19 A. I don't know.</p> <p>20 Q. Okay. I do believe that</p> <p>21 non-judicial foreclosure is debt collection.</p> <p>22 Are you -- are you just not telling me about</p> <p>23 non-judicial -- your non-judicial</p> <p>24 foreclosure activities because you don't</p> <p>25 think it's relevant?</p>	<p>1 a year. Is that what you're --</p> <p>2 Q. You know, you -- if -- you have</p> <p>3 that information. You did the work. I</p> <p>4 don't -- I didn't do the work.</p> <p>5 A. Well, we provided an Affidavit</p> <p>6 in that regard. So whatever the Affidavit</p> <p>7 says, I would agree with.</p> <p>8 Q. Okay. Do you think that -- do</p> <p>9 you think that whatever that income number</p> <p>10 is not a lot? It's insignificant?</p> <p>11 A. I don't know what that number</p> <p>12 is, but if it's 100,000, you know -- is that</p> <p>13 what you said? You want to -- let me look</p> <p>14 and then see what it says instead of</p> <p>15 guessing.</p> <p>16 Do you have that in front of</p> <p>17 you?</p> <p>18 Q. Let me --</p> <p>19 A. Do you have a recollection?</p> <p>20 Q. So you have \$105,455.31 from --</p> <p>21 A. Is that --</p> <p>22 Q. -- from Home Mortgage?</p> <p>23 A. That covers a three-year period?</p> <p>24 Q. December 1st, 2018 to</p> <p>25 December 1st, 2021.</p>

17 (Pages 62 - 65)

Johnson - direct

Page 66	Page 68
<p>1 A. Okay.</p> <p>2 Q. Is that insignificant?</p> <p>3 A. You know, I believe that covers</p> <p>4 costs and fees. So for non-judicial</p> <p>5 foreclosure matters, the costs are really</p> <p>6 high. So a lot of that is built into that</p> <p>7 number. It's not even a fee. It's -- it</p> <p>8 includes the cost for instance, for running</p> <p>9 a foreclosure ad, getting a title search</p> <p>10 done, things like that.</p> <p>11 So it would whittle down that</p> <p>12 number. But, you know, it depends what you</p> <p>13 compare it to. If you compare it to a billion</p> <p>14 dollars, then it's not a big number; if you</p> <p>15 compare it to 10,000, then that's a bigger</p> <p>16 number.</p> <p>17 So, you know, saying it's</p> <p>18 insignificant depends what you're comparing it</p> <p>19 to. So I'm not really sure how to answer</p> <p>20 the question.</p> <p>21 Q. Okay. Were you paid hourly fees</p> <p>22 by State Home Mortgage?</p> <p>23 A. No.</p> <p>24 Q. Okay. What was the rate, the</p> <p>25 flat rate? How many -- how many -- how many</p>	<p>1 date that is?</p> <p>2 A. I don't.</p> <p>3 Q. Okay. How often do they pay</p> <p>4 you?</p> <p>5 A. You know, it depends. Sometimes</p> <p>6 we send invoices, we don't get paid for six</p> <p>7 months. Sometimes we send an invoice and</p> <p>8 they pay within 60 days. It just depends</p> <p>9 and I don't know why.</p> <p>10 Q. Okay. And you don't know what</p> <p>11 your invoices say? You don't have a record</p> <p>12 of them?</p> <p>13 A. I don't have them in front of</p> <p>14 me. I don't remember off the top of my</p> <p>15 head.</p> <p>16 Q. Now, I'm looking at this</p> <p>17 Administrative Order, and it says that</p> <p>18 you're paid \$175 an hour?</p> <p>19 A. Right.</p> <p>20 Q. So \$175 an hour, 100,000</p> <p>21 hours [sic] is about 600 hours --</p> <p>22 A. They never pay me hourly.</p> <p>23 Q. Right. They never paid you</p> <p>24 hourly, but that was the agreed upon fee?</p> <p>25 A. If I billed hourly, that's what</p>
Page 67	Page 69
<p>1 foreclosure cases is \$105,000?</p> <p>2 A. I don't know how many that would</p> <p>3 be, and I don't -- I don't remember what the</p> <p>4 flat rate is.</p> <p>5 Q. Okay. What are you paid</p> <p>6 approximately per non-judicial foreclosure?</p> <p>7 A. Well, it depends, because</p> <p>8 sometimes you stop the case early because</p> <p>9 the other side, you know, reinstates or gets</p> <p>10 a new loan and pays your loan off.</p> <p>11 Sometimes I file bankruptcy. It's really</p> <p>12 hard to say because you don't -- you don't</p> <p>13 bill the full amount in those instances.</p> <p>14 You bill pieces of the -- of the flat fee</p> <p>15 that they allow for. So I don't really -- I</p> <p>16 don't really know as a result.</p> <p>17 Q. What's -- what's the</p> <p>18 approximate, would you say, an approximate</p> <p>19 for non-judicial foreclosure fee for each</p> <p>20 case? How many -- how many cases does</p> <p>21 105,000 encompass?</p> <p>22 A. I have no idea.</p> <p>23 Q. Okay. When was the last payment</p> <p>24 you received from -- from -- for doing work</p> <p>25 from State Home Mortgage? Do you know what</p>	<p>1 they wanted me to bill the hourly amount</p> <p>2 for, but I never billed them hourly --</p> <p>3 Q. But you don't have an agreement</p> <p>4 where they pay you a flat fee. Right?</p> <p>5 A. Not in that document. That is</p> <p>6 the course of business that we've done from</p> <p>7 the beginning.</p> <p>8 Q. Where do you have an agreement</p> <p>9 with them that they pay you a flat fee?</p> <p>10 A. We send them an invoice and they</p> <p>11 pay it.</p> <p>12 Q. Where do you have an agreement</p> <p>13 that they pay you a flat fee?</p> <p>14 A. I don't have a written</p> <p>15 agreement, if that's what you're asking?</p> <p>16 Q. You don't have a written</p> <p>17 agreement with State Home Mortgage that they</p> <p>18 pay you a flat fee?</p> <p>19 A. That's right.</p> <p>20 Q. Do you have -- let's try to make</p> <p>21 it clear for the record. You don't have a</p> <p>22 written agreement with State Home Mortgage</p> <p>23 where they pay you a flat fee?</p> <p>24 A. That's correct.</p> <p>25 Q. Okay. Do you know if the flat</p>

18 (Pages 66 - 69)

Johnson - direct

Page 70	Page 72
<p>1 fee is more or less than \$175 an hour, how</p> <p>2 it -- how it comes out? Have you ever done</p> <p>3 any kind of estimate?</p> <p>4 A. No.</p> <p>5 Q. If you had to figure out, you</p> <p>6 would say that you're paid \$100 an hour for</p> <p>7 the work you do for State Home Mortgage if</p> <p>8 you -- if you added up all the amount of</p> <p>9 hours you've done and the amount you've been</p> <p>10 paid, would you say that the average amount</p> <p>11 that you've been paid is \$100 an hour?</p> <p>12 A. I have no idea.</p> <p>13 Q. Would you say it's \$500 an hour?</p> <p>14 A. I have no idea.</p> <p>15 Q. Would you say in the last year</p> <p>16 you've worked more than 100 hours for State</p> <p>17 Home Mortgage?</p> <p>18 A. I don't know.</p> <p>19 Q. How many hours in the last year</p> <p>20 did you work for State Home Mortgage?</p> <p>21 A. I don't know.</p> <p>22 Q. How many hours in the last three</p> <p>23 years did you work for State Home Mortgage?</p> <p>24 A. I don't know.</p> <p>25 Q. Do you have a copy of the</p>	<p>1 A. No.</p> <p>2 Q. Okay. Why not?</p> <p>3 A. I wasn't asked to bring it to</p> <p>4 the deposition. So I'm not going to get it.</p> <p>5 Q. Do you think it is relevant to</p> <p>6 determine what percentage debt collection</p> <p>7 makes up of your total practice?</p> <p>8 A. I don't know.</p> <p>9 Q. What?</p> <p>10 A. I don't know.</p> <p>11 Q. Do you think that if you did</p> <p>12 100 percent debt collection work, that it</p> <p>13 would be considered that you regularly</p> <p>14 attempt to collect debt?</p> <p>15 A. Not necessarily.</p> <p>16 Q. Okay. What's the -- what's the</p> <p>17 qualification?</p> <p>18 A. It could be commercial; and if</p> <p>19 it's commercial, then it wouldn't be a</p> <p>20 consumer debt collection under the FCPA.</p> <p>21 Q. Okay. If it was consumer debt</p> <p>22 collection --</p> <p>23 A. What's the question?</p> <p>24 Q. If it was consumer debt</p> <p>25 collection and 100 percent of the million</p>
Page 71	Page 73
<p>1 invoices on your computer of how much you've</p> <p>2 invoiced State Home Mortgage?</p> <p>3 A. I don't think I do.</p> <p>4 Q. I'm sorry?</p> <p>5 A. I don't think that I do.</p> <p>6 Q. Could you take a minute to look?</p> <p>7 A. I wouldn't even know where to</p> <p>8 look.</p> <p>9 Q. So you don't know where you keep</p> <p>10 your invoices for State Home Mortgage?</p> <p>11 A. Generally, they're paper, and,</p> <p>12 generally, they're in the file.</p> <p>13 Q. Could you go get the file right</p> <p>14 now?</p> <p>15 A. I don't know what file you're</p> <p>16 talking about.</p> <p>17 Q. The State Home Mortgage file</p> <p>18 where you show you're billing them.</p> <p>19 A. Can I go get the file? I'm sure</p> <p>20 I could find a file, but you haven't asked</p> <p>21 about that. That's not one of the issues,</p> <p>22 and I didn't bring anything here to the</p> <p>23 deposition.</p> <p>24 Q. Okay. Can you -- can you get it</p> <p>25 right now?</p>	<p>1 and \$40,000 was because of debt collection,</p> <p>2 would that be relevant to whether you</p> <p>3 regularly attempt to collect debt?</p> <p>4 A. I'm assuming you're talking</p> <p>5 about consumer debt, not commercial debt,</p> <p>6 but, yeah, it probably would be relevant.</p> <p>7 Q. Okay. Would it be relevant to</p> <p>8 determine whether 500,000 of that million</p> <p>9 and 40 would be would be consumer debt</p> <p>10 collection? Is that relevant to -- to the</p> <p>11 question of whether you regularly attempt to</p> <p>12 collect debt?</p> <p>13 A. It could be relevant.</p> <p>14 Q. Okay. How about 100,000 of the</p> <p>15 million and 40; is that relevant?</p> <p>16 A. It could be relevant.</p> <p>17 Q. Okay. But sitting here right</p> <p>18 now, you don't know whether you did 100,000</p> <p>19 of debt -- of debt collection work; of the</p> <p>20 million and 40, whether 100,000 was debt</p> <p>21 collection work or 500,000 was debt</p> <p>22 collection work; is that right?</p> <p>23 A. No.</p> <p>24 Q. "No" -- "no" what? Do you know</p> <p>25 or do you not know?</p>

19 (Pages 70 - 73)

Johnson - direct

Page 74	Page 76
<p>1 A. Exact number? I do not know.</p> <p>2 Q. So you don't know if debt</p> <p>3 collection makes up over 500,000 of the</p> <p>4 million and 40 number?</p> <p>5 A. No, it does not make up 500,000,</p> <p>6 no.</p> <p>7 Q. How much does it make up?</p> <p>8 A. I don't know the exact number.</p> <p>9 Q. But it's not over 500,000?</p> <p>10 A. No.</p> <p>11 Q. Is it over \$50,000?</p> <p>12 A. I'm not really sure of the exact</p> <p>13 number, and part of it involves, like, for</p> <p>14 instance, in the Cordtz matter when I was</p> <p>15 initially hired, there was no debt</p> <p>16 collection claim. So prior to filing any</p> <p>17 kind of claim in that matter, it could not</p> <p>18 have been work that was geared towards debt</p> <p>19 collection.</p> <p>20 So there's a portion of that</p> <p>21 amount that you say and you claim that it's</p> <p>22 all of it is debt collection fees, and it's</p> <p>23 my position that it's not.</p> <p>24 So it would be -- I'd have to</p> <p>25 look at those numbers and see what, you</p>	<p>1 consumer debt collection aspect to it.</p> <p>2 Q. Aspect? Aspect?</p> <p>3 A. Yes. For instance, in Cordtz</p> <p>4 when I came on, there was no claim for any</p> <p>5 debt. So, you know, certainly that time</p> <p>6 that I was involved just defending the case</p> <p>7 would not be considered debt collection. So</p> <p>8 that's what I'm talking about.</p> <p>9 Q. So how much of the million and</p> <p>10 40 is made up of non-judicial foreclosure?</p> <p>11 A. I don't know.</p> <p>12 Q. You don't know any composition</p> <p>13 of that -- of that? You don't even know --</p> <p>14 could you tell me where 100,000 of that came</p> <p>15 from?</p> <p>16 A. No, because I didn't look at it</p> <p>17 from that aspect. So I mean there's</p> <p>18 different -- there's different kinds of fees</p> <p>19 built in there, but I didn't look at it from</p> <p>20 that standpoint.</p> <p>21 Q. Okay.</p> <p>22 A. You asked about total revenue,</p> <p>23 and that's what I kind of concentrated on;</p> <p>24 just the total revenue.</p> <p>25 Q. Okay. You say that consumer</p>
Page 75	Page 77
<p>1 know, what numbers would apply to and what</p> <p>2 numbers would not apply to. So that's the</p> <p>3 reason why -- I mean I really don't know the</p> <p>4 exact number.</p> <p>5 Q. If the entire case is debt</p> <p>6 collection but we have -- we have your</p> <p>7 checks from the Cordtz matter --</p> <p>8 A. Uh-huh.</p> <p>9 Q. -- so that's only 15 or \$20,000.</p> <p>10 If that's not considered debt collection,</p> <p>11 how much -- how much -- so you don't know --</p> <p>12 but you don't know any other debt collection</p> <p>13 that you've done? You think you've done</p> <p>14 zero debt collection; is that right?</p> <p>15 A. I think those two cases probably</p> <p>16 involved some consumer debt collection</p> <p>17 aspect to them.</p> <p>18 Q. Okay.</p> <p>19 A. The case is over five years,</p> <p>20 yeah.</p> <p>21 Q. So those two are the only</p> <p>22 ones -- are the only ones that you believe</p> <p>23 are consumer debt collection?</p> <p>24 A. I don't believe they're consumer</p> <p>25 debt collection. I believe there's a</p>	<p>1 debt collection activity makes up less than</p> <p>2 a half of a percent over the last five</p> <p>3 taxable years?</p> <p>4 A. Yes, I believe that's true.</p> <p>5 Q. Okay. What's the income over</p> <p>6 the last five taxable years; do you know?</p> <p>7 A. I don't --</p> <p>8 Q. Revenues --</p> <p>9 A. Yeah, I don't know off the top</p> <p>10 of my head.</p> <p>11 Q. But you had to have calculated</p> <p>12 it, right, because you determined that it</p> <p>13 was less than a half of a percent?</p> <p>14 A. Yeah. Well, yeah, as I put it</p> <p>15 in my documents that I filed, I believe I</p> <p>16 made over \$250,000 a year for each of those</p> <p>17 years, and certainly in the last year and a</p> <p>18 half, which 250 over a year and a half would</p> <p>19 translate to 375,000 if you're using that</p> <p>20 average of 250 a year over a million</p> <p>21 dollars.</p> <p>22 So if you add everything</p> <p>23 together, yeah, you know, I would say</p> <p>24 probably around over that five-year period,</p> <p>25 you know, over two million dollars.</p>

20 (Pages 74 - 77)

Johnson - direct

Page 78	Page 80
<p>1 Q. All right. A half a percentage, 2 100,000. So when you -- when you engaged in 3 this -- in this calculation to say that it 4 was less than a half of a percent over the 5 last five taxable years, you did -- how did 6 you make that calculation? How did you do 7 that calculation?</p> <p>8 A. I don't know if it's taxable 9 years, but the taxable year, you know, for 10 an individual is the same as a calendar 11 year. So I looked at my account. I looked 12 at various things. I looked at -- you know, 13 I don't really remember exactly how I did 14 that as far as exactly which documents I 15 looked at, but I came to the conclusion it 16 was over \$250,000 a year for each year.</p> <p>17 Q. You said under oath, right, 18 that's the deposition, it starts out that 19 you said it under oath that less than two 20 percent in any individual taxable year, any 21 fees earned in the above-referenced civil 22 action -- so -- so two percent -- so what -- 23 what -- what two percent, what were you -- 24 what were you including in that two percent? 25 Were you -- it was -- was it just a number</p>	<p>1 was brought as a claim. I looked at the 2 Johnson case and there was a counterclaim, 3 and they're the ones that appealed that; and 4 the fact that my client spent as much money 5 as they did, which is over ten times the 6 amount of that they were seeking, 7 the \$1,800 they were seeking, so the 8 percentages -- I looked at the percentages 9 of what I consider to be out of that number 10 was collecting debt and what was not, what 11 was defending other claims.</p> <p>12 Q. So you say less than a half of a 13 percent over the last five taxable years, 14 and, again, that was an estimate? I mean 15 you did it under oath. This was -- this 16 seems like you have to get it right, unless 17 you -- are you withdrawing this Affidavit 18 here?</p> <p>19 A. No, I'm not.</p> <p>20 Q. You're standing -- you're 21 standing by it that less than two percent in 22 any individual tax year; you're standing by 23 that?</p> <p>24 A. Right now I am, sure.</p> <p>25 Q. Okay. Okay. So how did you get</p>
Page 79	Page 81
<p>1 that you were saying that the amount -- is 2 that just the amount that you believe that 3 was debt collection? Like how did you 4 calculate that number?</p> <p>5 A. So I looked at the revenue from 6 a three-year period, which at the time I 7 just estimated to be 750. It's actually 8 more than that, a good bit more than that, 9 and I looked at -- when I did that, I looked 10 at the -- at the Cordtz case, and the 11 numbers that we had. I did not consider the 12 Johnson case, okay, but certainly now I 13 consider the Johnson case; but when I 14 actually look at the numbers, they were more 15 than what I thought they were going to be. 16 At the time, that's what I looked at.</p> <p>17 I also looked at the fact that 18 there was a significant portion in both the 19 Cordtz and Johnson case, they were really 20 solely looking at defending the 21 counterclaim --</p> <p>22 Q. Wait.</p> <p>23 A. -- in the Cordtz -- let me 24 finish what I'm saying -- in the Cordtz 25 matter defending the underlying claim that</p>	<p>1 to that? My question is the State Home 2 Mortgage Affidavit, plus the Jauregui 3 Affidavit is about 140,000. The Selwyn 4 Johnson -- Selwyn Johnson is -- I don't know 5 what we said -- about 20 -- 20,000, and then 6 this Cordtz case is about, let's say, 7 30,000. So that's 190,000.</p> <p>8 A. Cordtz is not 30,000.</p> <p>9 Q. Okay. Let's just say 180,000. 10 Now, that's -- so you divide that by three 11 and you get 60 -- 60,000, and then according 12 to my calculations, even if you made 10 13 million a year, that 60,000 is more than a 14 half of a percent.</p> <p>15 A. So there's two things I want to 16 talk about. No. 1 the Cordtz case was over 17 a three- or four-year period. You're acting 18 like it's all in one year, and it's not. 19 It's over a three- or four-year period. The 20 Cordtz case has been over a couple of years. 21 So you have to look the at actual number if 22 you're looking at the calendar year, No. 1.</p> <p>23 You also have to look at what 24 percentage of that would be debt collection 25 income or revenue versus the non-debt</p>

21 (Pages 78 - 81)

Johnson - direct

<p style="text-align: right;">Page 82</p> <p>1 collection spec'd out.</p> <p>2 And the other thing is that I do</p> <p>3 not consider non-judicial foreclosures to be</p> <p>4 the collection of debt under the Obduskey</p> <p>5 case that was decided by the US Supreme</p> <p>6 Court.</p> <p>7 Q. Okay.</p> <p>8 A. And it gets really clear, that</p> <p>9 decision is super clear. I'm aware of two</p> <p>10 courts in Georgia that already followed it</p> <p>11 with the same decision or rationale that I'm</p> <p>12 talking about.</p> <p>13 So I'm not aware of any case in</p> <p>14 Georgia that has said that it is -- after</p> <p>15 the Obduskey case, I'm not aware of a single</p> <p>16 case in Georgia that says that non-judicial</p> <p>17 foreclosures are consumer debt collection</p> <p>18 anymore.</p> <p>19 So that's what I'm basing mine</p> <p>20 off of. I realize you're a plaintiff's</p> <p>21 attorney and want to try to prove your case,</p> <p>22 but it's hard to ignore the US Supreme</p> <p>23 Court's decisions.</p> <p>24 Q. But the case we're dealing with</p> <p>25 now is not -- the Cordtz case that you're</p>	<p style="text-align: right;">Page 84</p> <p>1 is Document No. 53, Page 1 of 18; Affidavit</p> <p>2 of Larry Johnson. "Personally appeared</p> <p>3 before the undersigned, dually authorized to</p> <p>4 administer oaths, Larry Johnson, who after</p> <p>5 being dually sworn, deposes and states on</p> <p>6 oath as follows:" And then we're going down</p> <p>7 to Paragraph 49 "that any consumer debt</p> <p>8 collection activity in which Larry W.</p> <p>9 Johnson or his solely-owned law firm,</p> <p>10 Johnson Legal Offices, LLC is involved is a</p> <p>11 very small percentage of their revenues.</p> <p>12 Less than a half percent over the last five</p> <p>13 taxable years, and less than two percent in</p> <p>14 any individual taxable year, the majority of</p> <p>15 which, if not the total of which, being any</p> <p>16 fees earned in the above-referenced civil</p> <p>17 actions involving Jeffrey Cordtz."</p> <p>18 Now, I'm asking you how you did</p> <p>19 that calculation? Did you do any</p> <p>20 calculation, or are you just saying that?</p> <p>21 Are you just saying that it's less than a</p> <p>22 half of a percent over the last five taxable</p> <p>23 years, or do you have any -- are you just</p> <p>24 saying that? How do you know -- how do you</p> <p>25 know that that's true?</p>
<p style="text-align: right;">Page 83</p> <p>1 representing -- that you're trying to</p> <p>2 collect the debt, that's not non-judicial</p> <p>3 foreclosure; that's just plain debt</p> <p>4 collection; is that right?</p> <p>5 A. Actually, it's not plain debt</p> <p>6 collection, because we defended that case.</p> <p>7 Mr. Cordtz brought that case, not my client.</p> <p>8 Now, there is an aspect to debt</p> <p>9 collection to that case which I've admitted</p> <p>10 a couple of times now, but not the entire</p> <p>11 case.</p> <p>12 Q. When you said that it was less</p> <p>13 than a half of a percent of your income, the</p> <p>14 consumer debt collection activity, did you</p> <p>15 do a calculation, or did you just say it</p> <p>16 without doing a calculation?</p> <p>17 A. No, I looked at the numbers,</p> <p>18 and, you know, it looked less than a half</p> <p>19 percent to me. I didn't say an exact</p> <p>20 personal -- it could be instead of .5, it</p> <p>21 could be .2, it could be .3, it could be .4.</p> <p>22 I didn't say an exact number, but I felt</p> <p>23 real comfortable that it was less than a</p> <p>24 half percent.</p> <p>25 Q. I'm going to the top here. This</p>	<p style="text-align: right;">Page 85</p> <p>1 A. Because I believe that when I</p> <p>2 looked at the numbers, I had made over</p> <p>3 250,000 -- over 250,000. So I just used the</p> <p>4 250,000 number being conservative, because</p> <p>5 it's actually more. That's why I say "over</p> <p>6 250,000." If you do 250,000 times five,</p> <p>7 that's 1.25, if I do my math right, and so I</p> <p>8 felt like it was less than a half percent.</p> <p>9 Q. How much is a half of a percent</p> <p>10 of a million -- of a million, 25?</p> <p>11 A. I don't know off the top of my</p> <p>12 head. Do you know?</p> <p>13 Q. No. I have to pull up a</p> <p>14 calculator. I didn't make the oath.</p> <p>15 A. Yeah, I don't know off the top</p> <p>16 of my head.</p> <p>17 Q. Okay. I just did my calculator</p> <p>18 and it shows \$5,125. So you don't believe</p> <p>19 that you don't believe -- you didn't believe</p> <p>20 that your debt collection made that number?</p> <p>21 It was --</p> <p>22 A. At the time, I was not including</p> <p>23 the Johnson case and the Cordtz case was</p> <p>24 less in fees, and I thought a substantial</p> <p>25 portion of the fees were non-debt collection</p>

22 (Pages 82 - 85)

Johnson - direct

Page 86	Page 88
<p>1 related. I was initially hired, and there</p> <p>2 was no claim for debt collection in that</p> <p>3 matter. So that's where I had based that.</p> <p>4 Q. And less than two percent in any</p> <p>5 individual taxable year, you did -- you did</p> <p>6 that calculation, too, I guess, 250,000 --</p> <p>7 so 5,000 -- less than 5,000 in any</p> <p>8 individual taxable year?</p> <p>9 A. Yeah.</p> <p>10 Q. So are you -- do you want to</p> <p>11 withdraw this Affidavit? Are you</p> <p>12 withdrawing this Affidavit, or you're</p> <p>13 standing by it now that you know about the</p> <p>14 Johnson case?</p> <p>15 A. No, I'm going to look at that</p> <p>16 and look at the numbers in the Johnson case</p> <p>17 and make a decision about that.</p> <p>18 Q. Okay.</p> <p>19 A. Because if you'll remember -- I</p> <p>20 think it's closer another to -- if you'll</p> <p>21 remember, there was more revenue than I</p> <p>22 thought, and so I think it's -- the number</p> <p>23 is actually closer to two million.</p> <p>24 So I have to look at both the</p> <p>25 revenue amount as well as the -- the fee</p>	<p>1 I do have some plaintiff's cases, as well,</p> <p>2 like personal injury type cases that I --</p> <p>3 Q. But I'm asking you what you rely</p> <p>4 on, what you rely on for your business. Do</p> <p>5 you have anybody that you rely on?</p> <p>6 A. I rely on all my clients.</p> <p>7 Q. Okay.</p> <p>8 A. I'm a sole practitioner. I rely</p> <p>9 on all of my clients.</p> <p>10 Q. Okay. And that includes -- that</p> <p>11 includes clients who would ask you to do</p> <p>12 debt collection. Right?</p> <p>13 A. No.</p> <p>14 Q. But that's one of your clients?</p> <p>15 If you had a client who asked you to do debt</p> <p>16 collection, you would do it for them,</p> <p>17 wouldn't you?</p> <p>18 A. Well, you know, it depends on</p> <p>19 your definition of debt collection, but, no,</p> <p>20 I don't do debt collection.</p> <p>21 Q. Okay. If someone asked you to</p> <p>22 file a lawsuit to collect money, would you</p> <p>23 do it? To engage in litigation to collect</p> <p>24 money, would you do it?</p> <p>25 A. I don't know. I would have to</p>
Page 87	Page 89
<p>1 amount to see what percent I think that</p> <p>2 might be.</p> <p>3 Q. And it says here that you've</p> <p>4 been involved in just three -- approximately</p> <p>5 three non-judicial foreclosure referrals in</p> <p>6 the 12 months preceding May 11th, 2021; is</p> <p>7 that right?</p> <p>8 A. Yes.</p> <p>9 Q. How many is it?</p> <p>10 A. I believe it was three.</p> <p>11 Q. Okay. But you have \$140,000</p> <p>12 income from the judicial -- from the</p> <p>13 non-initial foreclosures, is that right,</p> <p>14 from State Home Mortgage and Jauregui?</p> <p>15 A. Not from that year.</p> <p>16 Q. Okay. What type of advertising</p> <p>17 does your law firm do? Does it do any</p> <p>18 advertising?</p> <p>19 A. No.</p> <p>20 Q. Okay. What type of work do</p> <p>21 you -- do you -- do you rely upon for</p> <p>22 your -- for your business?</p> <p>23 A. Litigation.</p> <p>24 Q. What type of litigation?</p> <p>25 A. Mostly defensive litigation, but</p>	<p>1 look at the specific case. I turn some</p> <p>2 cases away; so I don't know.</p> <p>3 Q. Okay. So I'm looking at the</p> <p>4 Notice of Deposition now.</p> <p>5 A. Uh-huh.</p> <p>6 Q. The top, it's the identification</p> <p>7 of the name of each case -- this is No. 1 --</p> <p>8 "the identification of the name of each case</p> <p>9 where you were engaged in or were paid for</p> <p>10 attempting to collect on a defaulted loan in</p> <p>11 the last three years since December 1st,</p> <p>12 2018," and so what's the answer to that?</p> <p>13 A. The two cases that we talked</p> <p>14 about, Jeffrey Cordtz case and Selwyn</p> <p>15 Johnson case.</p> <p>16 Q. Okay. Let's go to topic No. 5,</p> <p>17 "The extent that legal work, which does not</p> <p>18 involve collections, is anticipated or</p> <p>19 relied upon, including a description of what</p> <p>20 that legal work is since December 1st,</p> <p>21 2018."</p> <p>22 A. Litigation.</p> <p>23 Q. And again, litigation includes</p> <p>24 debt collection litigation; is that right?</p> <p>25 A. Just those two cases that have</p>

23 (Pages 86 - 89)

Johnson - direct

<p style="text-align: right;">Page 90</p> <p>1 an aspect of it that I've already 2 identified. 3 Q. But, again, you're relying upon 4 litigation. That's what you're relying 5 upon, and you won't automatically turn 6 away -- just because it's a debt collection 7 case, you wouldn't automatically turn it 8 away. Right? 9 A. I don't know. 10 Q. Well, would you automatically 11 turn away a debt collection case? 12 A. I don't know. It depends on the 13 specifics of the case. 14 Q. Okay. So that means that you 15 wouldn't automatically turn away a debt 16 collection litigation case? 17 A. I don't -- I don't know how to 18 answer you on that without actually seeing 19 the case. 20 Q. So it depends on the case; in 21 some cases, yes; and in some cases, no; it 22 just depends on the case? 23 A. I don't really know unless I 24 actually had the case to look at. So I 25 don't know.</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. Did you turn -- did you turn the 2 case away after you learned that it involved 3 debt collection? 4 A. I'll answer it again. I'm still 5 involved in that case. We felt like that in 6 order to comply with our ethical duties and 7 responsibilities, we had to bring a 8 compulsory counterclaim. We did that, and 9 I'm still in the case. 10 Q. Okay. You didn't withdraw from 11 the case after you ethically felt like you 12 needed to bring a counterclaim; is that 13 right? 14 A. That's correct. 15 Q. So you went ahead and filed the 16 debt collection counterclaim; is that 17 correct? 18 A. Yes, we filed a counterclaim on 19 the note. 20 Q. And that was a litigation case 21 that you didn't turn away? 22 A. Yeah, but at the time we weren't 23 even aware whether it was consumer or it was 24 commercial. 25 Q. So you thought that perhaps</p>
<p style="text-align: right;">Page 91</p> <p>1 Q. Okay. But you didn't turn away 2 this case, the Cordtz case, even though -- 3 even though you were asked to collect a 4 debt; is that right? 5 A. No, that's incorrect. I was 6 actually hired initially to defend the case. 7 Q. Okay. 8 A. We felt like we had to file a 9 counterclaim. So actually the borrower 10 forced us into a scenario where we had to 11 file a compulsory counterclaim. No, I was 12 not hired to collect on the debt in that 13 case. 14 Q. I simply asked if you -- if you 15 turned away this litigation case because it 16 involved debt collection? 17 A. It didn't involve debt 18 collection when it was referred to me. 19 Q. Okay. Did you turn -- did you 20 turn the case away once you learned that it 21 involved debt collection? 22 A. I'm still involved in that case 23 and we filed a counterclaim, because we felt 24 like we had to under the compulsory 25 counterclaim rules.</p>	<p style="text-align: right;">Page 93</p> <p>1 Cordtz, the debt, was a business debt or you 2 just weren't sure? 3 A. Wasn't sure either way. 4 Q. And if it had been a consumer 5 debt, you might have turned it away? 6 A. Well, I'll tell you what I did; 7 I did not withdraw. 8 Q. Okay. No. 6 is "The 9 classification character, kind, type, 10 variety, amount, description and nature of 11 total revenue earned for legal work for 12 Larry W. Johnson, and Johnson Legal Offices, 13 LLC since December 1st, 2018." Could you 14 tell me about that? 15 A. Sure. It's litigation. 16 Q. Okay. 17 A. We also have some non-judicial 18 foreclosure work in there. We have some 19 eviction work in there, as, you know, from 20 citing some of the cases we got. That's 21 pretty much the kind of work -- that's 22 pretty much it. 23 Q. What about the amount -- 24 A. So the amount over the last 25 18 months is, what I could determine, which</p>

24 (Pages 90 - 93)

Johnson - direct

Page 94	Page 96
<p>1 would be from -- which would cover</p> <p>2 probably from 2019 -- 18 months --</p> <p>3 I did it this week.</p> <p>4 Q. But you don't know -- the</p> <p>5 18 months, you told meet million forty --</p> <p>6 A. Yeah, that's right.</p> <p>7 Q. So -- but you can't determine</p> <p>8 anything related to the composition of that</p> <p>9 amount; is that right?</p> <p>10 A. Well, I know it's for those fees</p> <p>11 for those cases that I just mentioned.</p> <p>12 Q. Which cases?</p> <p>13 A. Litigation cases, non-judicial</p> <p>14 foreclosure, eviction.</p> <p>15 Q. How much -- how much of it is</p> <p>16 non-judicial foreclosure? Is it ten</p> <p>17 percent?</p> <p>18 A. I don't know.</p> <p>19 Q. Twenty percent?</p> <p>20 A. I don't know percentage.</p> <p>21 Q. Thirty percent?</p> <p>22 A. I don't know the percentage.</p> <p>23 Q. And Cordtz -- so Cordtz, I guess</p> <p>24 we could figure out. Thirty -- the total</p> <p>25 amount from Cordtz is -- is 30 -- 30,000,</p>	<p>1 what portion does not represent debt</p> <p>2 collection?</p> <p>3 A. Well, certainly any work that</p> <p>4 was done prior to actually filing any kind</p> <p>5 of counterclaim or any kind of claim for a</p> <p>6 debt would not be debt collection.</p> <p>7 Q. And how much -- how much -- how</p> <p>8 much of the 23,720 was debt collection, and</p> <p>9 how much of it was not debt collection?</p> <p>10 A. I haven't -- I don't know.</p> <p>11 Q. Did you ever do -- did you ever</p> <p>12 do that calculation?</p> <p>13 A. I never looked at it</p> <p>14 dollar-for-dollar wise, no.</p> <p>15 Q. Okay. But you said that --</p> <p>16 that -- you said that it represents less</p> <p>17 than two percent in any taxable year. Okay.</p> <p>18 And the Selwyn Johnson case, what's that</p> <p>19 income, the total? That was before the</p> <p>20 18 months?</p> <p>21 A. Yes, yeah.</p> <p>22 Q. And how much of the -- of the</p> <p>23 million -- did I ask you this -- how much of</p> <p>24 the million 20 is -- is for non-judicial</p> <p>25 foreclosure; do you know?</p>
Page 95	Page 97
<p>1 and, you know, about three percent or</p> <p>2 whatever that is?</p> <p>3 A. I'll give you the number. Use</p> <p>4 the 30,000 number, because you asked it</p> <p>5 under No. 3, depositions. To date, I've</p> <p>6 been paid \$23,720.56 in Cordtz.</p> <p>7 Q. Okay.</p> <p>8 A. Instead of guessing, I'll just</p> <p>9 go ahead and tell you.</p> <p>10 Q. Okay. And so that's --</p> <p>11 A. Through today.</p> <p>12 Q. Okay. So that percent -- so</p> <p>13 23,720 out of the million 40 is -- is -- it</p> <p>14 looks like 2.2 percent.</p> <p>15 A. Okay.</p> <p>16 Q. All right. So that's the</p> <p>17 percentage -- that's the percentage from --</p> <p>18 from -- of this amount that is the Cordtz</p> <p>19 that represents debt collection from</p> <p>20 Cordtz?</p> <p>21 A. No. As I explained, there's a</p> <p>22 portion of that that is not debt collection.</p> <p>23 So, you know, --</p> <p>24 Q. What was your determination --</p> <p>25 what portion represents debt collection, and</p>	<p>1 A. It's a million 40, but I don't</p> <p>2 know.</p> <p>3 Q. And I think we went over -- did</p> <p>4 we say ten percent and you weren't sure?</p> <p>5 Ten percent?</p> <p>6 A. Yeah, I think you went through</p> <p>7 10, 20, 30 --</p> <p>8 Q. Okay. So just to make sure,</p> <p>9 you're not sure if it's 50 percent if it's</p> <p>10 non-judicial foreclosure?</p> <p>11 A. No, I think I answered that</p> <p>12 before. It's certainly not 50 percent, but</p> <p>13 I just don't know the exact percentage.</p> <p>14 Q. Okay. Could you -- could you</p> <p>15 get me the exact percentage?</p> <p>16 A. I don't know, because I don't</p> <p>17 really have -- I'm a sole practitioner. So</p> <p>18 I do everything by hand. So it's a not like</p> <p>19 I have a system where I can go in and figure</p> <p>20 all that kind of stuff out.</p> <p>21 Q. What's the case that you wrote</p> <p>22 against in your -- you wrote somewhere that</p> <p>23 "defendants have been involved in some</p> <p>24 matters which they believed were commercial</p> <p>25 matters that do not apply here," and you</p>

25 (Pages 94 - 97)

Johnson - direct

Page 98	Page 100
<p>1 have Mixdeity case.</p> <p>2 A. We already talked about that</p> <p>3 one. That's the one I said it was 575</p> <p>4 Boulevard -vs- Mixdeity --</p> <p>5 Q. Okay.</p> <p>6 A. The church and -- you know, it's</p> <p>7 still at the Supreme Court of Georgia level,</p> <p>8 because the other side has filed an</p> <p>9 application for a Writ of Certiorari.</p> <p>10 Q. And Bloomfield?</p> <p>11 A. That involved -- I believe the</p> <p>12 way the client explained it to me, was a</p> <p>13 commercial vehicle.</p> <p>14 Q. Okay. Now, you said you</p> <p>15 couldn't figure out what percentage is</p> <p>16 non-judicial foreclosure --</p> <p>17 A. Yeah, I haven't looked at it for</p> <p>18 percentage.</p> <p>19 Q. Okay. Well, can't we say that</p> <p>20 it's those two numbers is the maximum that</p> <p>21 you've made over the last three years from</p> <p>22 initial foreclosures, the amount from State</p> <p>23 Home Mortgage and the amount from Jauregui?</p> <p>24 A. I know it's hard to pronounce,</p> <p>25 Jauregui I think is how he pronounces it.</p>	<p>1 debt collection. So that's why I was not</p> <p>2 including.</p> <p>3 Q. No, that's not what I'm asking</p> <p>4 you. I'm asking you why are you not</p> <p>5 comfortable saying that of the million 40 of</p> <p>6 income over the last 18 months that less</p> <p>7 than 15 percent of it is non-judicial</p> <p>8 foreclosure?</p> <p>9 A. Oh, I believe those Affidavits</p> <p>10 were over three years and a million 90 was</p> <p>11 over 18 months. So I'm not even sure</p> <p>12 exactly of the breakdown of that three-year</p> <p>13 period. We were trying to comply with the</p> <p>14 court's Order, and we received no objection</p> <p>15 to that.</p> <p>16 So it's hard to say that it's a</p> <p>17 three-year deal versus a 18-month deal.</p> <p>18 You're kind of doing apples and oranges</p> <p>19 there. It's also just not a fee.</p> <p>20 So there are costs involved that</p> <p>21 are substantial when it comes to the</p> <p>22 non-judicial foreclosure process, and that</p> <p>23 Affidavit doesn't break those out.</p> <p>24 If you want to be -- you know,</p> <p>25 give an analysis, you have to know the</p>
Page 99	Page 101
<p>1 Those are the two main ways that</p> <p>2 I have been involved in matters that were</p> <p>3 non-judicial, but I couldn't under oath say</p> <p>4 that that's 100 percent of everything, even</p> <p>5 though it probably is. I just can't think</p> <p>6 of another and I didn't really look at it in</p> <p>7 preparation of -- for this deposition. So</p> <p>8 I'm just not sure what the percentage would</p> <p>9 be, and those amounts also that were</p> <p>10 included in those Affidavits were not just</p> <p>11 non-judicial foreclosures. They also</p> <p>12 involved evictions that where we were</p> <p>13 seeking possession only, and there was no</p> <p>14 attempt to try to get any money judgment.</p> <p>15 So that's not 100 percent</p> <p>16 non-judicial foreclosure. Those numbers do</p> <p>17 not represent that.</p> <p>18 Q. Okay. So much to say, it's --</p> <p>19 those two numbers are 150,000, and let's</p> <p>20 just that it's in the last 18 months. Isn't</p> <p>21 that 15 percent? Why aren't you willing to</p> <p>22 say that it's less than 15 percent</p> <p>23 non-judicial foreclosure?</p> <p>24 A. Because under the Obduskey case,</p> <p>25 non-judicial foreclosures are not consumer</p>	<p>1 answer to those questions.</p> <p>2 Q. Okay, but I said let's just</p> <p>3 pretended that the full 140 was -- was --</p> <p>4 was earned in the last 18 months, and we</p> <p>5 know that it wasn't. We know that it</p> <p>6 probably wasn't, most likely wasn't, and you</p> <p>7 have a million 40 in the last 18 months.</p> <p>8 Why are you not comfortable</p> <p>9 sayings that non-judicial foreclosure is</p> <p>10 less than 15 percent of that amount? You</p> <p>11 weren't comfortable saying -- you weren't</p> <p>12 comfortable saying an amount. When I said</p> <p>13 40 percent, you said it's possible. Why</p> <p>14 were you not comfortable saying it?</p> <p>15 A. Well, first of all, you</p> <p>16 mischaracterized my testimony. I never said</p> <p>17 it's possible, ever said it was possible at</p> <p>18 40 percent. Nowhere near that. So I just</p> <p>19 said I didn't know what the number was. So</p> <p>20 please don't mischaracterize my testimony.</p> <p>21 And so if you're asking for a</p> <p>22 percentage, if you want to say what's</p> <p>23 15 percent of a million dollars, it's</p> <p>24 15,000 [sic] you can do that on a calculator.</p> <p>25 Q. It's 150,000. Okay.</p>

26 (Pages 98 - 101)

Johnson - direct

<p style="text-align: right;">Page 102</p> <p>1 A. So I am not really sure what 2 you're asking me. Are you asking me to get 3 my calculator out and tell you what a 4 percentage is -- 5 Q. Of the million 40, is more than 6 150,000 of it non-judicial foreclosure? 7 A. I'm sure that it's not, but I 8 haven't gone through an analysis to look at 9 the actual numbers, but I'm sure that it's 10 not. 11 Q. But what -- so you're saying 12 that it's possible that you've done some 13 non-judicial foreclosures besides what's in 14 that Affidavit, besides what's in those 15 Affidavits the last 18 months? 16 A. I don't recall doing any, but 17 I'm just uncomfortable saying under oath 18 that I haven't -- I can't come up with any 19 right now, but I'm not sure because I 20 haven't gone through my files to determine 21 that. 22 That wasn't one of the topics 23 you wanted to cover, and I'm happy to answer 24 any questions that I can. I'm just not 25 sure.</p>	<p style="text-align: right;">Page 104</p> <p>1 18 months or not? 2 A. I haven't looked at it. I'd 3 be -- I'd be shocked if there was a number 4 above that number. 5 Q. But you would be shocked if you 6 found that you have any non-judicial 7 foreclosure income besides the ones you 8 provided in the Affidavit; is that right? 9 A. I don't know what non-judicial 10 foreclosure -- you're talking about in an 11 Affidavit? I'm just not comfortable saying 12 that under oath that I may not have gotten 13 it from somewhere else other than State Home 14 Mortgage or -- or through or involving 15 Jauregui & Lindsey. There could have been 16 another one that came in. 17 I just don't recall; so I'm not 18 willing to testify that there might not be 19 one other case. If I do that, then you'll 20 come back and say, I'm misleading you, I'm 21 not telling the truth, I'm trying to hide 22 stuff, and like you have before. 23 I'm not 100 percent certain and 24 that's why I'm not willing to testify to 25 100 percent certainty.</p>
<p style="text-align: right;">Page 103</p> <p>1 Q. And you don't have any idea 2 about the million 40 -- it could be 3 40 percent of non-judicial foreclosures; you 4 could have left out 25 percent of that 5 million 40 could be non-judicial 6 foreclosures, you're just not sure; is that 7 right? 8 A. No. 9 Q. Okay. But -- so it's not 10 40 percent? Forty percent is not the 11 non-judicial foreclosures of the -- it's not 12 \$400,000? I want to talk numbers. 13 You didn't earn 400,000 in the 14 last 18 months from non-judicial 15 foreclosures? 16 A. No. 17 Q. Did you earn 300,000 in the last 18 18 months from non-judicial foreclosures? 19 A. I'm sure I haven't. I haven't 20 done an analysis looking at it, but I'm sure 21 I haven't done 300,000. 22 Q. So I am not asking you whether 23 you've done an analysis. Do you know 24 whether you've -- you've done over 300,000 25 in non-judicial foreclosures in the last</p>	<p style="text-align: right;">Page 105</p> <p>1 Q. I am asking you about \$250,000 2 and you're not -- over the last 18 months -- 3 and you're not certain about you've earned 4 \$250,000 from -- from a source that you 5 can't tell me about? 6 A. I'm sorry, what is your 7 questions? 8 Q. You can't -- you're not sure 9 whether you've earned 250,000 from 10 non-judicial foreclosure in addition to -- 11 in addition to -- in addition to what's in 12 the Affidavits over the last 18 months? 13 A. I don't know what Affidavits 14 you're talking about. 15 Q. The State Home Mortgage 16 Affidavit and the Jauregui Affidavit. 17 A. Okay. 18 Q. Those two Affidavits, and my -- 19 my contention in this case is that -- is 20 that any non-judicial foreclosure work that 21 you've done is counted as part of debt -- as 22 part of the test of whether you regularly 23 collect debts or not. 24 So I was trying to determine the 25 extent that you engage in non-judicial</p>

27 (Pages 102 - 105)

Johnson - direct

<p style="text-align: right;">Page 106</p> <p>1 foreclosure, and you're telling me it's</p> <p>2 possible that you left out some -- some</p> <p>3 income you've earned from the last 18 months</p> <p>4 involving non-judicial foreclosure; is that</p> <p>5 right?</p> <p>6 A. No, no. That's not what I said</p> <p>7 at all. You keep mischaracterizing my</p> <p>8 testimony, but I'm getting used to that, I</p> <p>9 guess.</p> <p>10 What I'm saying is that I'm not</p> <p>11 aware of any others outside of what's</p> <p>12 included in those two Affidavits, but I'm</p> <p>13 not willing to say there isn't anything that</p> <p>14 I've forgotten about, but I'm not aware of</p> <p>15 any others.</p> <p>16 If there are any others, there</p> <p>17 might be a onesie or twosie, which is why I</p> <p>18 may not remember them, and I don't want to</p> <p>19 be accused of misleading you, and that's the</p> <p>20 reason why I'm answering in this fashion.</p> <p>21 You didn't list them here that</p> <p>22 you wanted to know percentages of</p> <p>23 non-judicial foreclosures in your deposition</p> <p>24 notice, I didn't prepare, go through that</p> <p>25 extra analysis, but I'm not aware of any.</p>	<p style="text-align: right;">Page 108</p> <p>1 \$150,000 that you would have forgotten</p> <p>2 about, is that why you don't think so? I'm</p> <p>3 just trying to figure out -- like I could --</p> <p>4 like I -- I could tell you within a few</p> <p>5 thousand dollars of, you know, I'm not</p> <p>6 asking you about 2,000 or 3,000, I'm asking</p> <p>7 you whether there's \$100,000 of judicial --</p> <p>8 of non-judicial foreclosure income that you</p> <p>9 haven't disclosed?</p> <p>10 A. Not that I'm aware of.</p> <p>11 Q. And what investigation have you</p> <p>12 done to determine whether there -- whether</p> <p>13 there was other non-judicial foreclosure</p> <p>14 income or not?</p> <p>15 A. Other than knowing my files,</p> <p>16 because it's only me here and based on my</p> <p>17 knowledge and recollection, but you didn't</p> <p>18 list it in your -- in your notice to take</p> <p>19 deposition. I didn't do an investigation</p> <p>20 that regarded that prior to this deposition.</p> <p>21 Q. Do you -- do you anticipate or</p> <p>22 rely upon non-judicial foreclosure work as</p> <p>23 part of your practice?</p> <p>24 A. That's a very small part of my</p> <p>25 practice, but I actually, you know, being a</p>
<p style="text-align: right;">Page 107</p> <p>1 But could there be one or two or something?</p> <p>2 There could be, and I just don't want you to</p> <p>3 say that I'm misleading you by saying there</p> <p>4 definitely is not.</p> <p>5 Q. I am not asking you about one or</p> <p>6 two. I'm asking you whether it is \$200,000</p> <p>7 of the --</p> <p>8 A. What you asked me is -- what you</p> <p>9 asked me is are there any others. So</p> <p>10 "other" could be -- and if I find out</p> <p>11 there's one other --</p> <p>12 Q. I'm changing -- --</p> <p>13 A. I'm trying to answer the</p> <p>14 question, and I'd just like to have the</p> <p>15 opportunity to answer the question. It's</p> <p>16 not like you asked me previously. If you're</p> <p>17 going to restate your question, I'm happy to</p> <p>18 listen to it.</p> <p>19 Q. So I'm restating the question.</p> <p>20 Of the million -- of the million and 40 that</p> <p>21 you've identified in income over the last</p> <p>22 18 months, is 300,000 of it for doing work</p> <p>23 related to non-judicial foreclosure?</p> <p>24 A. I don't think so.</p> <p>25 Q. Okay. But that's 100 -- that's</p>	<p style="text-align: right;">Page 109</p> <p>1 sole practitioner, you know, it's a part</p> <p>2 of our practice.</p> <p>3 Q. Did you -- do you anticipate</p> <p>4 that work or rely upon it?</p> <p>5 A. I think that I'll probably be</p> <p>6 getting some more foreclosure referrals. Is</p> <p>7 that what you're asking me?</p> <p>8 Q. No, I'm asking you if you</p> <p>9 anticipate or rely upon it?</p> <p>10 A. I believe that I'll be getting</p> <p>11 more non-judicial foreclosure referrals in</p> <p>12 the future, yes.</p> <p>13 Q. Okay. So now the Topic No. 5,</p> <p>14 "The extent that legal work, which does not</p> <p>15 involve collections, is anticipated or</p> <p>16 relied upon, including a description of what</p> <p>17 that legal work is since December 1st,</p> <p>18 2018."</p> <p>19 A. And I already answered that, but</p> <p>20 I'm happy to answer that again.</p> <p>21 Non-judicial foreclosure referrals,</p> <p>22 evictions and litigation.</p> <p>23 Q. Okay.</p> <p>24 A. I disclosed that when we talked</p> <p>25 about it before. I guess that's why I'm</p>

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<p>1 than confused that you keep asking about 2 it again. 3 Q. And then we have under No. 6, 4 "The classification, character, kind, type, 5 variety, amount, description and nature of 6 total revenue earned for legal work for 7 Larry W. Johnson and Johnson Legal Offices 8 LLC since December 1st, 2018." And I'm 9 asking you how much of that is non-judicial 10 foreclosure and you don't know the answer; 11 is that right? 12 A. I cannot tell you the exact 13 number, no. 14 Q. And you don't know -- 15 A. And if -- let me say one thing. 16 I could say one thing, when you get to a 17 stopping point to take a break, I need to 18 take a break for a second. 19 Q. Sure. Let's take a ten-minute 20 break now. 21 A. Okay. 22 (Recess occurred.) 23 MR. WEXLER: Back on the record. 24 Q. Do you think that it's a fair -- 25 that it's a fair request for me to learn</p>	<p>1 A. I generally create a separate 2 file for any separate matter. 3 Q. Okay. So you create a separate 4 file for each non-judicial foreclosure file? 5 A. Yes. 6 Q. How many files do you have open 7 right now? 8 A. Right now? 9 Q. Yeah. 10 A. A very small number. I think it 11 might be -- I am not really sure -- I'm 12 pretty sure it would be less than five. 13 Q. Okay. Is that total files or 14 that's only non-judicial foreclosure files? 15 A. You asked me for non-judicial 16 foreclosure files so I was answering. 17 Q. Okay. 18 A. I doubt that I have 50 files 19 where a sale has been scheduled. Sometimes 20 when we get files and there's title issues 21 that have to be resolved so the file gets 22 put aside until the title company can 23 resolve whatever title issues -- I may have 24 a couple of those that are not active but I 25 still have a file.</p>
Page 111	Page 113
<p>1 about the million 40 composition over the 2 last 18 months? Do you think that's 3 relevant to this case? 4 A. Are we back on the record? 5 Q. Yes. I thought that's what the 6 court reporter said. 7 A. Mark is not here. 8 Q. Oh, okay. Okay. 9 MR. BAKER: Sorry. I'm here, 10 I'm just monitoring. 11 Q. Where -- where would you be able 12 to determine whether you did any other 13 non-judicial foreclosures in the -- in the 14 last 18 months? Do you know where you would 15 look? 16 A. I probably would have to pull 17 all my files from storage that have been 18 closed and go through a file-by-file basis. 19 Q. Pull up off of what option 20 stores [sic] -- 21 A. Out of storage. 22 Q. Oh, out of storage. What kind 23 of files -- do you have files for anything 24 else other than the cases that we went 25 through earlier?</p>	<p>1 Generally in Georgia, you know, 2 it's fairly quick for my advertising 3 standpoint, it's just for four weeks. So I 4 don't think I have any -- I don't think I 5 have certainly less than five that are 6 advertised for sale or scheduled to be 7 advertised for some next month. 8 Q. All right. Could you name the 9 five? 10 A. I don't know the names. 11 Q. All right. Do you know where 12 you got the five on? Are any of them for 13 State Home Mortgage? 14 A. Probably. 15 Q. Okay. And are any of them from 16 Jauregui? 17 A. Well, they're not from Jauregui, 18 but a client that they have is the way I 19 would answer that question, and it would be 20 a combination of those two. Right now I 21 don't have any files open that wouldn't 22 either come from State Home Mortgage or a 23 client of Jauregui. 24 Q. And the clients, Jauregui, do 25 they ever pay you directly?</p>

29 (Pages 110 - 113)

Johnson - direct

<p style="text-align: right;">Page 114</p> <p>1 A. Yes. Sometimes they do.</p> <p>2 Q. So that wouldn't be included in</p> <p>3 the amount that Jauregui paid you?</p> <p>4 A. If they didn't pay you, then I</p> <p>5 doubt they would have included it in their</p> <p>6 amount, yeah. I think that's the way that</p> <p>7 Affidavit was -- was draft on what they paid</p> <p>8 me. So.</p> <p>9 Q. How much do you get paid by</p> <p>10 those clients -- how much would you say</p> <p>11 Jauregui paid you the same amount generally,</p> <p>12 checks from Jauregui are the same amount?</p> <p>13 Or the clients pay you more?</p> <p>14 A. No, they don't pay me more.</p> <p>15 It's probably only happened once or twice</p> <p>16 over the last three or four years. So I</p> <p>17 don't -- I don't remember the specific</p> <p>18 circumstances. I just don't recall.</p> <p>19 Q. It's happened once or twice, or</p> <p>20 it could have been \$200,000. Right?</p> <p>21 A. No.</p> <p>22 Q. It could have been \$200,000 from</p> <p>23 non-judicial foreclosure income?</p> <p>24 A. No, no. The onesie-twosie's</p> <p>25 that I get might be like a one-off. It</p>	<p style="text-align: right;">Page 116</p> <p>1 didn't look at it before this deposition,</p> <p>2 because I didn't realize you were going to</p> <p>3 try to go into this depth of that, but very</p> <p>4 few. And it may be zero. I just don't -- I</p> <p>5 feel uncomfortable saying zero, because I</p> <p>6 feel like if we find one --</p> <p>7 Q. No, I said -- I said one is</p> <p>8 fine --</p> <p>9 A. Yeah.</p> <p>10 Q. -- two is fine, but I'm trying</p> <p>11 to find out, you know, the specific question</p> <p>12 is: Do you -- do you regularly attempt to</p> <p>13 collect debts, and I think it depends -- I</p> <p>14 feel it depends on how much the million 40,</p> <p>15 at least in part, how much of the million 40</p> <p>16 came from non-judicial foreclosures, and you</p> <p>17 don't even have that answer, do you?</p> <p>18 A. I don't have an exact number,</p> <p>19 no.</p> <p>20 Q. You don't have an estimate</p> <p>21 either, do you?</p> <p>22 A. I don't know if the</p> <p>23 percentage -- I think you're asking me based</p> <p>24 on my knowledge right now, and I don't want</p> <p>25 to guess at it.</p>
<p style="text-align: right;">Page 115</p> <p>1 might not be a foreclosure itself or even an</p> <p>2 eviction. It might be sometimes I get</p> <p>3 referrals if there's a foreclosure sale that</p> <p>4 results in excess proceeds, for instance,</p> <p>5 and so somebody has to deal with the excess</p> <p>6 proceeds. So from time to time, I'll get a</p> <p>7 file like that where they pay me directly to</p> <p>8 go handle finding out who the extra money</p> <p>9 should go to. Typically, it goes to the</p> <p>10 borrower unless there's a subordinate lien</p> <p>11 that got wiped out. So you have to go</p> <p>12 through a process for that.</p> <p>13 So there's things like that that</p> <p>14 are one-off's from time to time that happens</p> <p>15 that sometimes I may handle directly.</p> <p>16 Q. So let's go back to the million</p> <p>17 40. Do you have \$100,000 of non-judicial</p> <p>18 foreclosure income that's not from Jauregui</p> <p>19 or State Home Mortgage that wasn't paid by</p> <p>20 them?</p> <p>21 A. Over the last 18 months?</p> <p>22 Q. Yes.</p> <p>23 A. No.</p> <p>24 Q. How much do you have?</p> <p>25 A. I don't know exactly, because I</p>	<p style="text-align: right;">Page 117</p> <p>1 Q. I am not asking you on a</p> <p>2 percentage. I'm asking you based on an</p> <p>3 amount.</p> <p>4 A. Yeah, I think you asked me what</p> <p>5 percentage of that is for non-judicial. So</p> <p>6 you actually did ask me a percentage.</p> <p>7 Q. I'm changing the question;</p> <p>8 what's the amount?</p> <p>9 A. And I don't know the exact</p> <p>10 amount.</p> <p>11 Q. Okay. Is it \$400,000?</p> <p>12 A. What does -- I don't know what</p> <p>13 "it" is. What are you asking me? What is</p> <p>14 400,000?</p> <p>15 Q. The non-judicial foreclosure</p> <p>16 income is \$400,000 of the million and 40?</p> <p>17 A. No.</p> <p>18 Q. Is it \$300,000?</p> <p>19 A. Not that I'm aware of.</p> <p>20 Q. What are you aware of?</p> <p>21 A. I don't understand the question.</p> <p>22 Q. You said "not that I'm aware</p> <p>23 of." That implies that you are aware of</p> <p>24 something. So what are you aware of?</p> <p>25 A. I don't understand the question.</p>

30 (Pages 114 - 117)

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<p style="text-align: right;">Page 118</p> <p>1 Q. How much non-judicial</p> <p>2 foreclosure income over the last 18 months</p> <p>3 are you aware of?</p> <p>4 A. It's a very small percentage,</p> <p>5 but I don't know the exact number or the</p> <p>6 exact percentage.</p> <p>7 Q. Is it more or less than</p> <p>8 \$150,000?</p> <p>9 A. I don't know the exact number,</p> <p>10 but based on your representation that it was</p> <p>11 \$150,000 in those two Affidavits of which</p> <p>12 probably only half is the fee, I probably</p> <p>13 have to say less. I don't know the exact</p> <p>14 number nor the exact percentage.</p> <p>15 Q. Is it more than \$200,000.</p> <p>16 A. It's -- if it's probably less</p> <p>17 than 150, then it's probably less than 200.</p> <p>18 Q. Okay. I'm asking you for</p> <p>19 certainty. You don't have any certainty?</p> <p>20 A. I don't have an exact number nor</p> <p>21 exact percentages. That's correct.</p> <p>22 Q. Did you verify that the</p> <p>23 Affidavit provided by Jauregui was accurate?</p> <p>24 A. Not that I remember.</p> <p>25 Q. Do you know if it, in fact, is</p>	<p style="text-align: right;">Page 120</p> <p>1 MR. WEXLER: Mr. Baker?</p> <p>2 MR. BAKER: I have no questions.</p> <p>3 (Deposition concluded at</p> <p>4 3:10 p.m.)</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 119</p> <p>1 accurate?</p> <p>2 A. I trust his testimony, but I</p> <p>3 didn't verify it.</p> <p>4 Q. Now, when you get paid directly</p> <p>5 from clients of Jauregui, how does that</p> <p>6 work?</p> <p>7 A. I don't get foreclosure --</p> <p>8 non-judicial foreclosures from them, but</p> <p>9 they're one-off type issues that I might</p> <p>10 have had a couple. The way that would work,</p> <p>11 generally, I would send them an invoice and</p> <p>12 they would send me a check.</p> <p>13 Q. So -- but you don't know who is</p> <p>14 sending you any other non-judicial</p> <p>15 foreclosures or if, in fact, there are any?</p> <p>16 A. I don't -- I don't recall any</p> <p>17 others but there might be a onesie or a</p> <p>18 twosie.</p> <p>19 Q. There might be more. Right?</p> <p>20 A. I don't think so, but I'm not</p> <p>21 100 percent certain. So I'd hate to say</p> <p>22 with 100 percent certainty, you know, a</p> <p>23 response to that, because I don't know the</p> <p>24 exact number.</p> <p>25 Q. Okay. I'm done.</p>	<p style="text-align: right;">Page 121</p> <p>1 A C K N O W L E D G E M E N T.</p> <p>2</p> <p>3 STATE OF GEORGIA</p> <p>4 :SS:</p> <p>5 COUNTY OF</p> <p>6</p> <p>7</p> <p>8 I, LARRY W. JOHNSON, hereby certify</p> <p>9 that I have read the transcript to my</p> <p>10 testimony taken under oath in my deposition</p> <p>11 of March 24, 2022; that the transcript is a</p> <p>12 true, complete, and correct record of what</p> <p>13 was asked, answered, and said during this</p> <p>14 deposition, and that the answers on the</p> <p>15 record as given by me are true and correct.</p> <p>16</p> <p>17</p> <p>18</p> <p>19 LARRY W. JOHNSON</p> <p>20</p> <p>21 Subscribed and sworn to before</p> <p>22 me this day</p> <p>23 of , 2022</p> <p>24 NOTARY PUBLIC</p> <p>25</p>

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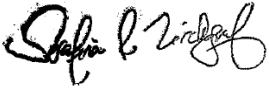
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C E R T I F I C A T E

I, SERAFINA R. ZINCKGRAF, a
 Certified Court Reporter, Registered
 Professional Reporter, do hereby certify that
 prior to the commencement of the examination,
 the witness was duly sworn by me to testify
 the truth, the whole truth and nothing but
 the truth.

I DO FURTHER CERTIFY that the
 foregoing is a true and accurate transcript
 of the testimony as taken stenographically by
 and before me at the time, place and on the
 date hereinbefore set forth, to the best of
 my ability.

I DO FURTHER CERTIFY that I am
 neither a relative nor employee nor attorney
 nor counsel of any of the parties to the
 action; and that I am neither a relative nor
 employee of such attorney or counsel; and
 that I am not financially interested in the
 action.



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April 11, 2021

To: Larry Johnson, Esq.
 Case Name: Cordtz v. Johnson Legal Offices
 Veritext Reference Number: 5147340
 Witness: Larry Johnson Deposition Date: 3/24/2022

Dear Sir/Madam:

Enclosed please find a deposition transcript. Please have the witness
 review the transcript and note any changes or corrections on the
 included errata sheet, indicating the page, line number, change, and
 the reason for the change. Have the witness' signature at the bottom
 of the sheet notarized except in California where they are signing
 under penalty of perjury and email the errata sheet back to us at the
 address shown above.

If the jurat is not received within thirty days of your receipt of
 this letter, the reading and signing will be deemed waived.

Sincerely,

Production Department

Encl.

Cc: All Counsel

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E R R A T A S H E E T

Priority-One Court Reporting/Veritext
 718-983-1234

ASSIGNMENT NO. P1-5147340
 CASE NAME: Cordtz v. Jonson Legal Offices
 DATE OF DEPOSITION: 3/24/2022
 WITNESS' NAME: Larry Johnson

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(Notary not required in California)
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 OF ____, 2022.

NOTARY PUBLIC
 MY COMMISSION EXPIRES ____

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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